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THE

# SPIRIT OF MARINE LAW,

OR

## Compendium of the Statutes

RELATING TO

## THE ADMIRALTY.

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THE

# SPIRIT OF MARINE LAW,

OR

## Compendium of the Statutes

RELATING TO

## THE ADMIRALTY;

BEING A CONCISE BUT PERSPICUOUS ABRIDGMENT OF ALL THE ACTS

RELATIVE TO

## NAVIGATION.

## *ALPHABETICALLY ARRANGED,*

AND THE SUBSTANCE AND REFERENCES TO THE SEVERAL CLAUSES PLACED IN THE MARGIN.

By JOHN IRVING MAXWELL,

OF THE HONOURABLE SOCIETY OF THE INNER TEMPLE, AND LATE OF THE ROYAL NAVY.

———— Imperium Pelagi
Sævumque Tridentem. VIRG.

Let US be back'd by GOD and with the SEAS,
Which he hath given to us for Fence impregnable.
In HIM and THEM we trust. SHAKESP.

London:

PRINTED BY BUNNEY AND GOLD, SHOE-LANE,

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# GEORGE JOHN EARL SPENCER.

*MY LORD,*

*A* PUBLICATION *the avowed Object of which is to diffuse more extensively a Knowledge of those Laws by the Observance of which the favorite Service of this Country has been so pre-eminently distinguished, can need no Apology for placing* YOUR LORDSHIP'S NAME *at the Head of the Volume.*

*I will not, my Lord, in the hackneyed phraseology of complimentary Dedication, launch out in panegyric upon that indefatigable Exertion and unremitting Attention to the augmented and important Duties of the High Office now filled by your Lordship, Duties to which you have sacrificed the Splendour of Rank and the Enjoyments of Private Life—nor will I expatiate upon that penetrating Eye and directing Judgment, which pervades and regulates each Movement of the vast Machine of Naval Operation. The Page of the Historian, who shall write the Annals of* Great Britain, *will serve me better: in that brilliant Page*



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*where it shall be recorded, that in thoſe eventful Times, when other States were dashed upon the Rocks of Revolution, this "fast-anchored Isle" rode out the Storm; that her Naval Genius, bestriding the Main from the Eastern to the Western World, with wide commanding View saw hostile Navies at anchor in our Harbours, and the remotest Boundaries of the Ocean covered with our Commerce. Your Lordship will require no other Monument, than for the Page of the Historian thus to inform Posterity:*

"*At this Triumphant Æra in Commercial Pros-*
"*perity and Naval Renown,* THE HELM OF STATE
"*was directed by the* SON OF LORD CHATHAM,
"*and* EARL SPENCER PRESIDED AT THE
"ADMIRALTY."

*I am,*

*MY LORD,*

*Your Lordship's most devoted Servant,*

THE AUTHOR.

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# PREFACE.

THE original idea of this Work aroſe from a Gentleman* to whom the Navy is in no ſmall degree indebted for many improvements in Naval Tactics, and for the only treatiſe of authority as yet publiſhed on the ſubject of Naval Courts Martial, and the manuſcript of the preſent Volume was by him brought down to the end of the year 1792.

It muſt often have appeared extraordinary to Profeſſional men, that whilſt laws on other ſubjects of leſs comparative intereſt have been well digeſted and explained, the Marine Law of ſo renowned a Maritime Power as Great Britain ſhould ſtill continue diſperſed amid a number of voluminous folios; or if in part collected (as is the caſe with the Statutes relative to the Admiralty), that the opportunity of acquiring a knowledge of them ſhould be excluſively confined to the Flag Officers and Captains of His Majeſty's Navy.

* Mr. M'Arthur has alſo written ſeveral intereſting papers in the *Naval Chronicle*, and has brought forward in that Work many authentic and important Naval documents, relative to the evacuation of Toulon.



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To obviate these objections, and to diffuse more generally the principles of the MARINE LAWS, hitherto confined to particular classes of the Navy, the present publication was commenced, and advanced up to a certain period: But other avocations preventing the Author from completing his design, the manuscript was liberally presented to the present Editor, to introduce such alterations and additions as might be deemed necessary, and to bring down the several Acts of Parliament to the present date.

With respect to the utility of a publication of this nature to those persons who are immediately interested in the operation of the Laws here abstracted, any introductory observation would be superfluous. The elegant and learned Author of the Commentaries has observed, "that a knowledge of the Law is an indispensable part of education in a country where it is an established maxim, that *ignorance of the law excuses no man*, and where a law is supposed to be promulgated the moment it is enacted." The superior officers of His Majesty's Navy are therefore peculiarly interested in thoroughly comprehending these Laws, which it is their province to enforce and execute, otherwise that Navigation and Commerce of which they are the executive guardians would be injured and impeded.

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But it is not only to the ſuperior officers of the Navy that a knowledge of the Marine Laws is neceſſary, but to that claſs of Gentlemen upon the quarter deck who, merely as a term of diſtinction, are denominated Petty Officers, that the ſtudy of the Marine Laws becomes indiſpenſably neceſſary, becauſe in many inſtances they alſo are to enforce the laws, and to act as officers of the Revenue, by ſeizing veſſels not conforming to the regulations preſcribed.

For the uſe, then, of ſuch whom inclination or profeſſional habits may lead to conſult the ſeveral ſubjects here enumerated, the preſent Compendium of Marine Law has been compiled, arranged, and digeſted. For greater facility of reference, the alphabetical order of arrangement has been adopted, the ſeveral Acts have been given (ſome few inſtances excepted) in the chronological order in which they have been enacted, and the numerical references to the Acts, and the ſubſtance of the reſpective clauſes, have been placed in the margin; ſo that whilſt this work contains the Spirit of the Marine Laws ſufficiently dilated to be practically uſeful, at the ſame time it will ſerve as a copious Index to thoſe who wiſh more minutely and at large to conſult any particular Act.

In detailing the ſeveral Acts, the technical formalities of legiſlation have been every where



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rejected, whilſt at the ſame time the very words of every clauſe in the reſpective original Acts have been adopted, as beſt calculated to point out more particularly the preciſe meaning of the Legiſlature.

With reſpect to the mode in which the perſon entruſted with the charge of bringing this Work forward has conducted it, it may be neceſſary to obſerve, that profeſſional ſtudies and practice as a Solicitor, added to the General Theory of Britiſh Juriſprudence, which (till diſappointment puſhed him aſide) he once ſtudied with a view to the higher branches of the Profeſſion, may not have rendered him altogether ineligible to complete this undertaking; in which he has endeavoured to concentrate, as much as was conſiſtent with perſpicuity, and introduced as much variety as the ſcale preſcribed to him would admit. Thus where the ſtatutes have been directory, and not only enact poſitively what ſhall be done, but preſcribe the mode of doing it; and where the ſubject has been of particular intereſt to the numerous claſſes for whom the work is calculated, the ſeveral clauſes of the Acts containing the law upon the reſpective heads have been more copiouſly, and it is hoped inſtructively, detailed. Hence the head FISHERIES, although filling a conſiderable ſpace, will not

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appear to have occupied too much attention, when the comparative importance of the ſubject ſhall be deliberately weighed and fairly eſtimated. The head alſo denominated SEAMEN'S WAGES is for the ſame reaſon copious; and that of PRIZES, which during the preſent war has been a more particular object of intereſt in the Navy, has been detailed much more than it is preſumed can be found in any other publication.

Conſidered, therefore, as a book of practical inſtruction to Officers of the Navy and Revenue, Merchants, Maſters of Merchantmen, and all perſons in any degree connected with Shipping, and even in that Profeſſion to which the Editor has the honour to belong, it may be conſidered not only as a copious Index to the Marine Statutes, but as an analyſis of every clauſe they contain; and as the Writer of this is conſcious of having omitted no point of information which his legal reſearches could furniſh conſiſtent with the limited ſpace aſſigned, he comes forward before the Tribunal of Criticiſm, neither apprehenſive of the utility of the deſign, nor aſhamed of the mode in which it has been executed.



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| Heads. | Abs. | Page. |
|---|---|---|
| WOOL. | 10 and 11 Wm. 3. c. 10.<br>6 Geo. 1. c. 21.<br>12 Geo. 2. c. 22.<br>25 Geo. 2. c. 11. | 547 |
| WET DOCKS, | 39 Geo. 3. | 559 |


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# THE SPIRIT OF MARINE LAW.

## Of the Admiralty.

### ITS POWER AND JURISDICTION.

TO enter into remote researches, relative to the origin and antiquity of the office of Lord High Admiral, would be far from the purpose of the present publication. To prevent therefore any disappointment, the readers, for whose practical instruction this book is intended, are informed *in limine* what this undertaking substantially is, and what species of information it is intended to convey.

In substance, then, this publication is intended as an abridgment of all the acts contained in the quarto edition of the Statutes relating to the Admiralty, with the introduction of other appropriate heads, and several additions made to the Marine Laws to the present time, arranged in a method, which for facility of reference and practical effect, it is suggested, is superior to the STATUTES RELATING TO THE ADMIRALTY.

Its object is to comprize all the Marine Acts down to the present date; to convey practical instructions upon all the numerous topics which these acts embrace; and to diffuse more generally a knowledge of the Marine Laws, which hitherto, comprized in the Admiralty Statutes, was accessible only to the flag officers and command rs of the Royal Navy. Leaving, therefore, those remoter researches, calculated only to gratify antiquarian curiosity, it is sufficient in this place to remark, that the Marine Law was



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formerly known more from its own practice than the Law Books *; that the office of Lord High Admiral, and the court over which he presided, were of such high antiquity, and his powers so very unlimited, that they seem rather to have been *negatively* than *positively* defined; and we find the Legislature interposing at various periods to limit and define his powers and jurisdiction.

Repeated clamours and complaints having been made, that the admirals and their deputies had held their sessions within divers places of the realm, as well within franchises as without, thereby assuming greater authority than belonged to their office, to the prejudice of the king, in violation of the common law—to the diminution of various franchises, and destruction and impoverishment of the people; an act was passed to redress these grievances, whereby "It is accorded and assented, That "the admirals and their deputies should not "meddle with any thing done within the "realm, but only of things done upon the "sea."

15 Rich. 2. st. 1. c 5. Enforced by 2 Hen. 4. c. 11. Admirals not to meddle with any thing done within the realm.

Notwithstanding this restrictive act, we find the admirals continuing the proceedings complained of, perhaps conceiving themselves warranted in that extensive jurisdiction which, never having been defined, rested solely upon practice; proceedings which, in the nervous language of legislation, were "to the great "prejudice of lords of franchises in diminishing

* See Protest, contained in the Journals of the Lords, in the Case of the Earl of Torrington, who, in the reign of King William, questioned the authority of the Commissioners of the Admiralty, and maintained a right of being tried by his peers. PROCEEDINGS OF THE HOUSE OF LORDS, Vol. I. p. 405.

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"their profits, the oppreſſion and impoveriſh-
"ment of all the commons, and hindrance and
"loſs of the king's profits, and thoſe of many
"other lords, cities, and boroughs, through
"the realm." To remedy theſe complaints, and more exactly to define the extent of the admiral's juriſdiction, about two years afterwards a *declaratory* act was paſſed, declaring, Rich. 2. c. 1.
"That the admirals ſhould have no manner of
"power, cognizance, or juriſdiction, touching
"any things done within the body of any
"county, nor of wreck of the ſea; but that
"all ſuch matters ſhould be tried and deter-
"mined by the law of the land. Nevertheleſs Admirals ſhall have cognizance of death of man and maihem, &c.
"of the death of a man, and of maihem, done
"in great ſhips being and hovering in the
"main ſtream of great rivers, beneath the
"bridges of the ſaid rivers nigh to the ſea, the
"admirals ſhould have cognizance."

By this act alſo the admiral is empowered
"to arreſt ſhips in the great flotes for the great May arreſt ſhips.
"voyages of the king; and he ſhall have juriſ-
"diction upon the flotes during the voyages."

It was not, however, deemed ſufficient by the legiſlature to define and declare the juriſdiction of the admiral, and to reſtrain him within the limits of that juriſdiction, but it was alſo thought neceſſary to reſtrain perſons from illegally ſuing in the admiral's court. Accordingly by the 2 Hen. 4. c. 11. "the two pre- 2 Hen. 4. c. 11. Penalty of ſuing illegally in the admiral's court.
"ceding acts of Richard are confirmed, and
"double damages, to be recovered by action
"on the caſe, to the party aggrieved, againſt
"any perſon ſuing illegally in the admiral's
"court; and a penalty of ten pounds to the
"king." Judgment or ſentence definitive in 8 Eliz. c. 5. Appeals.
any marine cauſe, in appeal to chancery by delegates, ſhall be final.



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Doubts having arisen in the case of Lord Torrington, whom the king wished to try by a court martial, but who insisted upon the right of being tried by his peers, whether the commissioners for executing the office of lord high admiral had in themselves, legally, and constitutionally, vested ALL the powers of the lord high admiral, an act was passed to set this question completely at rest, whereby it is *declared and enacted, That*

2 Will. & Mar. sess. 2. c. 2. Power of the lord high admiral vested in commissioners.

"ALL the authority, power, and jurisdiction "lawfully vested in the lord high admiral shall "be had, enjoyed, used, exercised, and exe- "cuted by the commissioners for executing "that office, to all intents and purposes as if "the said commissioners were lord high admiral "of England."

4 Anne, c. 16. s. 17. Limitation of actions.

Suits in the court of admiralty for seamens' wages must be commenced within six years after such cause of action shall accrue. 4 Anne, c. 16. s. 17.

All suits or actions by or against persons beyond sea may be brought after their return *. 4 Anne, c. 16. s. 18, 19.

Power of administering oaths. 1 Geo. 1. st. 2. c. 25. s. 3.

Any lord of the admiralty, or their secretary, or the principal officers of the navy, *may administer oaths* relating to the king's treasures, stores, &c.

1 Geo. 1. st. 2. c. 25. s. 12.

The power given by this act to any officer or commissioner of the navy, may be exercised by the admiralty of Great Britain or Ireland.

Attornies and solicitors.

The act for the better regulations of attornies and solicitors shall not be construed to extend to the examination, swearing, admission, or

* The six years do not begin to run until the party beyond sea shall have returned within the realm, and have been in a situation to apply either to the court of admiralty or a court of law.

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inrollment of the *aſſiſtant to the council of the admiralty and navy*; but that ſuch aſſiſtant may be examined, ſworn, admitted, and practiſe, as he might have done before the making this act. This act is made perpetual by 30 Geo. 2. c. 19. ſect. 75. 2 Geo. 2. c. 23. ſ. 27. 30 Geo. 2. c. 19.

The commiſſioners for executing the office of lord high admiral, or any three of them, or any perſon or perſons by them empowered or appointed, ſhall, at the requeſt of owners, whom they ſhall deem fitly qualified, of any ſhip or veſſel regiſtered purſuant to the 26th of his preſent majeſty, intituled, "An Act for the "further Increaſe and Encouragement of Ship-"ping and Navigation," (ſuch owner giving ſuch ſecurity as hereinafter required,) cauſe to be iſſued, in the uſual manner, commiſſions or letters of marque and repriſal *. Admiralty may iſſue letters of marque. 33 Geo. 3. c. 66. ſ. 9.

No fee to be taken for ſuch licences. 38 Geo. 3. c. 76. ſ. 7.

For the more ſpeedy bringing of offenders to juſtice, and to prevent the inconveniences occaſioned by the want of frequently holding a ſeſſion of admiralty for the trial of offences committed on the high ſeas, it is enacted, "That from and after the twelfth day of June "one thouſand ſeven hundred and ninety-"three, a ſeſſion of oyer and terminer and "gaol delivery for the trial of offences com-"mitted within the juriſdiction of the admi-"ralty ſhall be held twice, at the leaſt, in every "year, at Juſtice Hall, in the Old Bailey, "London, or in ſuch other place in England, "and at ſuch times in each year, as the admi-"ralty ſhall, by any letter or order in writing "under their hands, directed to the judge A ſeſſion for the trial of offences committed on the high ſeas to be held twice, at leaſt, annually. 39 Geo. 3. c. 66. ſ. 70.

* For powers of the admiralty, relative to letters of marque and prizes, and regulations for determinations relative to the adjudication of prizes, ſee LETTERS OF MARQUE, and PRIZES.



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33 Geo. 3. c. 66. "of the admiralty for the time being, appoint."

Commiſſions for trying offences within the juriſdiction of the admiralty, and juſtices, may take informations touching offences committed upon the ſea, and cauſe the parties to be apprehended and committed. Sect. 71.

Not only any one or more of the commiſſioners for the time being, named in the commiſſion of oyer and terminer for the trying of offences committed within the juriſdiction of the admiralty; but alſo any one or more of the juſtices of the peace for the time being, are authorized and empowered, from time to time, to take informations of any witneſſes, in writing, upon oath, touching any murder, piracy, felony, or robbery, committed within the juriſdiction of the admiralty; and thereupon, if ſuch commiſſioners or juſtices ſhall ſee cauſe, by warrant under their hand and ſeal, to cauſe ſuch perſon or perſons ſo accuſed to be apprehended and committed to the gaol of the county or place where ſuch information ſhall have been taken, there to remain until diſcharged by due courſe of law.

Commiſſioners and juſtices may oblige perſons whoſe evidence they may think neceſſary to enter into recognizances. Sect. 72.

Commiſſioners, or juſtices of the peace, may bind all perſons whom they ſhall judge neceſſary to proſecute and give evidence, againſt ſuch perſon or perſons as ſhall be ſo committed, to enter into recognizance to appear at the then next ſeſſion held for the juriſdiction of the admiralty, to proſecute and give evidence againſt ſuch perſon or perſons as ſhall have been ſo committed.

Perſons refuſing to enter into recognizances may be committed. Sect. 71.

Perſons refuſing to enter into ſuch recognizances to be committed until the next ſeſſion of admiralty ſhall be held, or until they ſhall enter into ſuch recognizances as are required.

Recognizances and informations touching offences to be tranſmitted to the regiſter of the court of admiralty. Sect. 72.

Recognizances, together with the informations touching the offences wherewith the perſons to be committed ſhall be charged, to be tranſmitted, with all convenient ſpeed, to the regiſter of the court of admiralty; to be by him forthwith laid before the judge of the admiralty,

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and afterwards to be kept among the records of that court. 33 Geo. 3. c. 66.

The marſhal of the admiralty and his deputy, and all ſheriffs, bailiffs, ſtewards, conſtables, headboroughs, tithing-men, keepers of gaols and priſons, and all other officers for keeping the peace, are reſpectively authorized and required diligently to execute, perform, and obey all ſuch precepts, warrants, and orders, as ſhall be iſſued by the commiſſioners, or juſtices of the peace, touching any of the matters or things herein contained. Marſhal of the admiralty, &c. to execute warrants. Sect. 73.

This act to continue in force during the preſent hoſtilities with France, and no longer; ſave and except ſuch matters as ſhall be then depending in the courts of admiralty at home or abroad, or court of appeal, or any court of record in Great Britain, at the time when the preſent hoſtilities ſhall ceaſe; and alſo ſave and except all ſuch other matters as ſhall be brought into any of the above-mentioned courts, in conſequence of any captures made during the preſent hoſtilities, or of any offence committed contrary to this act; in reſpect whereof this act ſhall continue in full force, until ſuch matters, and every thing dependent thereupon, ſhall be finally adjudged and determined. Continuance of the act. Sect. 74.

Admiralty to give notice in the Gazette, that maſters or other perſons having charge of ſhips or veſſels required by this act not to ſail without convoy, ſhall have on board flags to anſwer ſignals, without which ſuch ſhips or veſſels ſhall not be cleared outwards. 38 Geo. 3. c. 76, ſ. 9.

Admiralty to appoint convoys, and may grant licences to veſſels to ſail without convoy, ſ. 7, 8.



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## *Mode of Proceeding in the* COURT OF ADMIRALTY.

### CIVIL JURISDICTION.

THE Proceedings of the Court of Admiralty are according to the method of the eccleſiaſtical courts, and held at the ſame place.—It is no court of record; and an appeal from its deciſion lies to the court of delegates.

*Appeals* from the vice-admiralty courts in America, and our other ſettlements abroad, which are branches of this court, may be brought before the court of admiralty here, or before the king in council.

The advantages reſulting to mariners from ſuing in the court of admiralty are, 1ſt, That all may join in a ſuit for wages, whereby the expence is conſiderably leſſened, which cannot be done in the courts of law; and, 2dly, The ſhip itſelf is reſponſible in the admiralty, and not the owners. So far is this principle carried, that if a maſter deſigning to go a voyage, hires and takes on board ſeamen for that purpoſe, and afterwards the owners diſagree about ſending the ſhip upon that voyage; and the ſeamen are thereupon diſcharged; they have the ſame remedy in the admiralty for their wages as if the ſhip had actually gone the voyage. But it is to be obſerved, that this privilege of ſuing in the court of admiralty is confined only to mates and mariners, and does not extend to the maſter, for the maſter's contract is founded upon the credit of *the owner*, and that of the mariner upon the credit of *the ſhip*.

### CRIMINAL JURISDICTION.

The judge of the admiralty preſides in this court, as the deputy of the lord high admiral; and the court may be held in any place.—Of the commiſſioners nominated by the lord chancellor, two common law judges are conſtantly appointed.—Although the judges try the priſoner, yet the judge of the admiralty always preſides, in the ſame manner as the lord mayor at the ſeſſions held within the city of London.

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By the late act of 39 Geo. 3. it is enacted, That all offences committed upon the high ſeas, out of the body of any county, ſhall be, and are declared to be, offences of the ſame nature reſpectively, and liable to the ſame puniſhments reſpectively, as if they had been committed upon the ſhore.—So that all offences committed on the high ſeas are now to be heard and determined before a jury, as at common law *.

* For a more detailed account of the criminal juriſdiction of the admiralty, ſee PIRACY.—For the powers of the admiralty to grant protections to watermen and apprentices—to admit penſioners to Greenwich Hoſpital—to grant letters of marque—adjudication of prizes—ſeamens wages, &c.—ſee the reſpective heads APPRENTICES, GREENWICH HOSPITAL, LETTERS OF MARQUE, PRIZES, SEAMENS WAGES, &c.

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# Apprentices, Marine,

THE ſeveral acts, of which abſtracts are hereafter ſubjoined, point out the mode by which pariſh officers may bind poor apprentices to the ſea ſervice, regulate the forms of the indentures, declare the privileges of ſuch apprentices, their mode of aſſignment, their wages; in ſhort, every ſalutary regulation of their conduct, while ſerving on board of merchantmen, which may tend to make them experienced ſeamen, and qualified for the Britiſh navy.

In framing theſe acts, the wiſdom and ſound policy of the legiſlature may be contemplated with peculiar pleaſure; ſince, while affording relief to the induſtrious Poor, they at the ſame time are rendered ſubſervient to the important purpoſes of forming a nurſery of ſeamen for the ſervice of the Navy.

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## *Abſtract of Acts of Parliament relating to* APPRENTICES.

**Pariſh boys, how to be bound apprenticer, and by whom.**
**2 & 3 Anne, c. 6.**

PARISH boys, ten years old, may be bound apprentices to the ſea-ſervice, till twenty-one, by the churchwardens and overſeers, with the approbation of two juſtices, or of the mayor, &c.

**Age of apprentices.**
**May be aſſigned by executor.**
**4 Anne, c. 19.**

No maſter of a ſhip obliged to take an apprentice under thirteen years of age, or who is not healthy or ſtrong; and any widow of ſuch maſter, or his executor or adminiſtrator, who ſhall have been obliged to take pariſh boys apprentices, may have power of aſſigning them over to another maſter of a ſhip.

**Age to be inſerted.**
**2 & 3 Anne, c. 6.**

The boy's age to be inſerted in the indentures.

**Allowances for cloathing and bedding for apprentices.**
**2 & 3 Anne, c. 6. ſ. 2.**

Churchwardens and overſeers to pay the maſter 5os. for cloathing and bedding for the boy.

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No ſuch apprentice to be impreſſed till eighteen years of age, or permitted to enter himſelf into his majeſty's ſervice at ſea till that time.

Privileges of apprentices to the ſea ſervice. 2 & 3 Anne, c. 6. ſ. 4.

Churchwardens ſhall ſend the indentures to the collector of the cuſtoms, at the port to which the maſter belongs, who is to regiſter them, and make an indorſement upon the indentures of the regiſtry, and tranſmit a certificate to the admiralty, containing the apprentice's age and name, and to what ſhip he belongs, who are to grant protections from time to time without fee or reward.

Indentures, how and by whom to be tranſmitted. 2 & 3 Anne, c. 6. ſ. 5.

Collectors refuſing or neglecting to regiſter and indorſe ſuch indentures to forfeit 5l. for the uſe of the poor of the pariſh from whence ſuch boy was bound apprentice.

2 & 3 Anne, c. 6. ſ. 5. Penalty.

Any perſon to whom a pariſh boy has been bound *apprentice* may, with conſent and approbation of two or more juſtices of peace of the ſame county, and dwelling in or near the pariſh where ſuch boy was bound apprentice, or of the mayor, aldermen, &c. turn over ſuch apprentice to the maſter or owner of a ſhip for the remaining time of his apprenticeſhip, with aſſignment of ſuch apprentices. All which indentures of aſſignment to be regiſtered, and certificates tranſmitted to the admiralty, who are to give protections gratis.

How to be turned over. 2 & 3 Anne, c. 6. ſ. 6. and 4 Anne, c. 19. ſ. 36.

Such apprentices exempted from paying the 6d. a month to Greenwich Hoſpital till they are eighteen years of age.

Not liable to pay to Greenwich Hoſpital till eighteen years of age. 2 & 3 Anne, c. 6. ſ. 7. and 2. Geo. 2. c. 7. and 36.

Maſters of ſhips from the burthen of thirty to fifty tons obliged to take one ſuch apprentice, and one more for the next fifty tons, and one more for every hundred tons that ſuch ſhip ſhall exceed the burthen of one hundred tons.

Maſters of ſhips to take apprentices in proportion to tonage.

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Penalties of refuſing to take apprentices. 2 & 3 Anne, c. 6. ſ. 8. and 4 Anne, c. 19. ſ. 16.

Maſters refuſing to take ſuch apprentices to forfeit 10l. for the uſe of the poor of the pariſh from whence the boy was bound.

Number of apprentices to be given in to the port collector. 2 & 3 Anne, c. 6. ſ. 9.

Maſters of ſhips, before clearing out to give an account in writing of the names and number of their apprentices to the collector of the port.

Men and boys, including apprentices, to be inſerted by the Cuſtom Houſe officer in the cocquet.—2 & 3 Anne, c. 6. ſ. 14.

Cuſtom Houſe officer to inſert at the bottom of the cocquet the number of men and boys on board, deſcribing the apprentices, and dates of their indentures, without fee or reward.

Same act, ſ. 15. explained by 4 Anne, c. 19. ſ. 17.

Voluntary apprentices to the ſea ſervice not to be impreſſed for three years, to be reckoned from the dates of their reſpective indentures. Indentures to be regiſtered, certificates tranſmitted, and protections granted for the three years.

2 & 3 Anne, c. 6. ſ. 15. 4 Anne, c. 19. ſ. 17. and 13 Geo. 2. c. 17. ſ. 2.

No apprentices to ſea ſervice of eighteen years of age ſhall be protected, or exempted from ſerving, who ſhall have been in any ſea ſervice before the time they bound themſelves apprentice.

2 & 3 Anne, c. 6. ſ. 17.

When ſuch apprentice is impreſſed, or voluntarily enters himſelf in his majeſty's ſervice, the maſter to have able ſeamen's wages.

28 Geo. 2 c. 20. ſ. 5.

Every ſhip employed in the *Greenland* and *Davis' Streights* fiſhery, ſhall have an apprentice bound for three years at leaſt for every fifty tons burthen, who ſhall be reckoned as part of the complement.

31 Geo. 2. c. 10. ſ. 16.

Wages of apprentices entering the navy to be paid to the maſter, unleſs the apprentice was above eighteen years of age when bound, or rated as ſervant to an officer, to whom ſuch apprenticeſhip was unknown.

For further particulars relative to marine apprentices, ſee FISHERIES of Greenland and Davis's Streights. 26 Geo 3. c. 53. 32 Geo. 3. c. 22. 34 Geo. 3. c. 22; and Southern Whale Fiſhery, 35 Geo. 3. c. 92. 38 Geo. 3. c. 57. ſ. 8, 9, 10.

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## Articles of War.

IN proportion as the Navy advanced in conſequence, it became the wiſdom of the legiſlature, to make ſuch regulations, as were moſt conſiſtent with the intereſt of the ſeamen, and conformable to the internal regulations of the maritime ſtate.—To know the laws that bind us in the ſociety of which we are members is the duty of every individual. Crimes are expreſsly defined, and their puniſhments accurately pointed out, in the ſyſtem of criminal juriſprudence, as it is adminiſtered on ſhore: it was therefore but juſt, from the numbers and conſequence of thoſe valuable men who navigate our floating bulwarks, and who conſtitute a diſtinct claſs of the community, under the denomination of the maritime ſtate, that they alſo, while diſperſed over the ocean, ſhould have a diſtinct code of Laws and Regulations for their conduct whilſt on board.

Previous to the paſſing of the act of the 22d of his late majeſty, c. 33. various acts of parliament had been made for enforcing naval diſcipline; but *they* were too much ſcattered, and at the ſame time not ſufficiently comprehenſive. Accordingly, for want of preciſe rules to regulate naval diſcipline, we find, that not only the commanders of his majeſty's navy were uncertain as to the degree of the offence and meaſure of puniſhment, but alſo the ſeamen were ignorant of the puniſhment they were to ſuffer, as well as unacquainted with thoſe rules of moral regulation which it was their duty, becauſe it was their happineſs, to obſerve.

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The Acts of Parliament containing the Articles of War, viz. the 22 Geo. 2. c. 23. judiciouſly, and moſt humanely amended by the 19th of his preſent majeſty, c. 17. ſ. 3. may be characterized

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22 Geo. 2. c. 23. and 29 Geo. 3. c. 17.

as ſo blending poſitive and definite rules of action, with diſcretionary power, that while the ſeaman thoroughly knows the laws which are to regulate his moral conduct, a diſcretionary power is veſted in the breaſt of his judges from thoſe circumſtances of palliation which may ariſe in the almoſt infinite variety of moral agency, to adapt the ſcale of puniſhment to the exact meaſure of the ſpecific offence; an advantage which the civil courts of criminal juriſprudence, bound down by poſitive law, do not poſſeſs, and which has long been the grand deſideratum of criminal legiſlation.

As this head is peculiarly intereſting to naval readers, it will doubtleſs be acceptable to give a brief analyſis of the articles of war, as claſſed by the author of the "Treatiſe on Naval Courts "Martial," whoſe profeſſional habits and inclination enabled him to underſtand, and to collect, much information upon the ſubject he treats of; and from the work alluded to, copious extracts will be found under the ſubſequent head of Courts Martial.

Vide M'Arthur on Naval Courts Martial, p. 20.

From the time of the court of chivalry being abridged of its criminal juriſdiction, until after the reſtoration of Charles the Second, no regular court for the adminiſtration of martial law in the navy, appears to have been eſtabliſhed. By the ſtatute 13 Car. 2. c. 9. expreſs rules, articles, and orders, were firſt enacted, by authority of parliament, for the better keeping up a regular diſcipline in his majeſty's navy; and by the 22 Geo. 2. c. 23. and 19 Geo. 3. c. 17. theſe acts have been altered, amended, and new modelled.

In theſe articles almoſt every poſſible offence is ſet down, and the puniſhment annexed; in which reſpect the ſeamen have much the



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advantage over their brethren in the land service, whose articles of war are not enacted by parliament, but framed from time to time at the pleasure of the crown; which, with regard to military offences, hath a sole and almost absolute legislative power. For by the Mutiny Act annually passed, for punishing mutiny and desertion, and for the better payment of the army and their quarters, "his majesty may "form articles of war, and constitute courts "martial, with power to try any crime by such "articles, and inflict penalties by sentence or "judgment of the same." Mutiny Act, art. 57. M'Arthur on Naval Courts Martial.

The several offences specified in the articles of war, and the punishments annexed to them, are strongly analogous to the criminal laws of the land denominated by the appellation of pleas of the crown.

The offences comprehended and specified in the naval articles of war, may, for the sake of perspicuity, be classed or distributed under the following general heads:

1st, Offences immediately against God and religion.
2dly, Such as affect the executive power of the state, and criminal negligence.
3dly, Such as infringe the rights of fellow subjects.
4thly, Offences military, and such as are peculiarly the objects of martial law.

Under the first head are classed those relative offences contained in the first and second articles, viz. neglecting public worship, and

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M'Arthur on Naval Courts Martial.

being guilty of prophane oaths, curſing, execrations, drunkenneſs, uncleanneſs, or other ſcandalous actions: the higher offence of blaſphemy, although not diſtinctly ſpecified, nevertheleſs by the words prophane oaths, curſings, and execrations, this crime is unqueſtionably implied. The puniſhment of this claſs is left to the diſcretion of a court martial.

The ſecond diviſion of crimes comprizes ſuch as affect the executive power of the king and his government; and this diviſion may be ſubdivided into the offences ſpecified in the third, fourth, fifth, fifteenth, ſixteenth, nineteenth, twentieth, twenty-ſecond, twenty-fourth, twenty fifth, twenty-ſeventh, and thirty-firſt articles of war, viz. holding intelligence with an enemy or rebel—concealing letters or meſſages from, or relieving an enemy or rebel—deſerting to an enemy—running away with ſhips' ſtores, or yielding the ſame to an enemy—deſertion from the ſervice, or entertaining deſerters—waſte or embezzlement of ſtores—mutinous aſſemblies—ſeditious or mutinous words—concealing any traiterous or mutinous deſigns, &c.—ſtriking, quarrelling, or diſobeying the orders of a ſuperior officer—ſleeping upon the watch, neglecting duty, or forſaking a ſtation allotted—and knowingly ſigning falſe muſter books.

Under the third diſtribution of offences are thoſe, that violate and tranſgreſs the rights and duties which men owe to their fellow-ſubjects, and which cannot be committed without a manifeſt violation of the laws of nature, of the moral as well as political rules of right, under which may be claſſed murder, ſodomy, and robbery. Articles of war, 27, 28, and 29.

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Offences ſtrictly military, and which fall under the fourth and laſt diſtribution of general heads, are recited in the tenth, eleventh, twelfth, thirteenth, fourteenth, and ſeventeenth articles of war.

It is but juſtice to obſerve, that the marine code of criminal juriſprudence contained in the articles of war evinces a greater degree of lenity than is to be found either amongſt the ancients or moderns.

By the judicious and humane amendment of the twelfth and thirteenth articles, under the former of which the unfortunate Admiral Byng ſuffered, and giving the court martial a diſcretionary power to pronounce ſentence of death, *or to inflict ſuch other puniſhment as the nature and degree of the offence therein recited ſhall be found to deſerve*, the rules and regulations for the government of his majeſty's navy may be juſtly ſaid to have attained the ſummit of perfection. 19 Geo. 3. c. 17. ſ. 3.

## ARTICLES *of* WAR.

THESE articles are contained in an act of parliament, intituled, "An Act for *amending, explaining, and reducing into one Act* of Parliament the Laws relating to the Government of His Majeſty's Ships, Veſſels, and Forces by Sea." 22 Geo. 2. c. 33.

Likewiſe ſome clauſes of the act 19 Geo. 3. explaining and amending articles of the act paſſed in the 22d year of his late majeſty King George II.

*Theſe articles and orders are eſtabliſhed from the 25th of December* 1749; *and are directed to be obſerved and put in execution as well in time of* PEACE *as in time of* WAR.



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ARTICLE

Divine worſhip.

I. ALL commanders, captains, and officers, in or belonging to any of his majeſty's ſhips or veſſels of war, ſhall cauſe the public worſhip of Almighty God, according to the liturgy of the church of England eſtabliſhed by law, to be ſolemnly, orderly, and reverently performed in their reſpective ſhips; and ſhall take care that prayers and preaching, by the chaplain in holy orders of the reſpective ſhips, be performed diligently; and that the Lord's Day be obſerved according to law.

Swearing, drunkenneſs, ſcandalous actions, &c.

II. All flag officers, and all perſons in or belonging to his majeſty's ſhips or veſſels of war, being guilty of prophane oaths, curſings, execrations, drunkenneſs, uncleanlineſs, or other ſcandalous actions, in derogation of God's honour, and corruption of good manners, ſhall incur ſuch puniſhment as a court martial ſhall think fit to impoſe, and as the nature and degree of their offence ſhall deſerve.

Holding intelligence with an enemy or rebel.

III. If any officer, mariner, ſoldier, or other perſon of the fleet, ſhall give, hold, or entertain intelligence to or with any enemy or rebel, without leave from the king's majeſty, or the lord high admiral, or the commiſſioners for executing the office of lord high admiral, commander in chief, or his commanding officer, every ſuch perſon ſo offending, and being thereof convicted by the ſentence of a court martial, ſhall be puniſhed with death.

Letter or meſſage from an enemy or rebel.

IV. If any letter or meſſage from any enemy or rebel be conveyed to any officer, mariner, or ſoldier, or other in the fleet, and the ſaid officer, mariner, ſoldier, or other as aforeſaid, ſhall not within twelve hours, having opportunity ſo to do, acquaint his ſuperior officer, or the officer commanding in chief with it; or if any ſuperior

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officer being acquainted therewith, ſhall not in convenient time reveal the ſame to the commander in chief of the ſquadron, every ſuch perſon ſo offending, and being convicted thereof by the ſentence of the court martial, ſhall be puniſhed with death, or ſuch other puniſhment as the nature and degree of the offence ſhall deſerve, and the court martial ſhall impoſe.

Spies, and all perſons in the nature of ſpies.

V. All ſpies, and all perſons whatſoever, who ſhall come, or be found in the nature of ſpies, to bring or deliver any ſeducing letters or meſſages from any enemy or rebel, or endeavour to corrupt any captain, officer, mariner, or other in the fleet, to betray his truſt, being convicted of any ſuch offence, by the ſentence of the court martial, ſhall be puniſhed with death, or ſuch other puniſhment as the nature and degree of the offence ſhall deſerve, and the court martial ſhall impoſe.

Relieving an enemy or rebel.

VI. No perſon in the fleet ſhall relieve an enemy or rebel with money, victuals, powder, ſhot, arms, ammunition, or any other ſupplies whatſoever, directly or indirectly, upon pain of death, or ſuch other puniſhment as the court martial ſhall think fit to impoſe, and as the nature and degree of the crime ſhall deſerve.

Papers, &c. found on board of prizes.

VII. All the papers, charter-parties, bills of lading, paſſports, and other writings whatſoever, that ſhall be taken, ſeized, or found aboard any ſhip or ſhips, which ſhall be ſurpriſed or taken as a prize, ſhall be duly preſerved, and the very originals ſhall, by the commanding officer of the ſhip which ſhall take ſuch prize, be ſent entirely, and without any fraud, to the court of admiralty, or ſuch other court or commiſſioners as ſhall be authorized to determine



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whether ſuch prize be lawful capture, there to be viewed, made uſe of, and proceeded upon according to law: upon pain that every perſon offending herein ſhall forfeit and loſe his ſhare of the captures, and ſhall ſuffer ſuch further puniſhment as the nature and degree of his offence ſhall be found to deſerve, and the court martial ſhall impoſe.

Taking money or goods out of prizes.

VIII. No perſon in or belonging to the fleet ſhall take out of any prize, or ſhip ſeized as a prize, any money, plate, or goods, unleſs it ſhall be neceſſary for the better ſecuring thereof, or for the neceſſary uſe and ſervice of any of his majeſty's ſhips or veſſels of war, before the ſame be adjudged lawful prize in ſome admiralty court; but the full and entire account of the whole, without embezzlement, ſhall be brought in, and judgment paſſed entirely upon the whole, without fraud: upon pain that every perſon offending herein ſhall forfeit and loſe his ſhare of the capture, and ſuffer ſuch further puniſhment as ſhall be impoſed by a court martial, or ſuch court of admiralty, according to the nature and degree of the offence.

Stripping or ill-treating priſoners.

IX. If any ſhip or veſſel ſhall be taken as prize, none of the officers, mariners, or other perſons on board her, ſhall be ſtripped of their cloaths, or in any ſort pillaged, beaten, or evil entreated: upon pain, that the perſon or perſons ſo offending ſhall be liable to ſuch puniſhments as a court martial ſhall think fit to inflict.

Preparation for fight.

X. Every flag officer, captain, and commander in the fleet, who, upon ſignal or order of fight, or fight of any ſhip or ſhips which it may be his duty to engage, or who, upon like-

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lihood of engagement, ſhall not make the neceſſary preparations for fight, and ſhall not in his own perſon, and according to his place, encourage the inferior officers and men to fight courageouſly, ſhall ſuffer death, or ſuch other puniſhment as, from the nature and degree of the offence, a court martial ſhall deem him to deſerve; and if any perſon in the fleet ſhall treacherouſly or cowardly yield or cry for quarter, every perſon ſo offending, and being convicted thereof by ſentence of a court martial, ſhall ſuffer death.

Yielding or crying for quarter.

XI. Every perſon in the fleet who ſhall not duly obſerve the orders of the admiral, flag officer, commander of any ſquadron or diviſion, or other his ſuperior officer, for aſſailing, joining battle with, or making defence againſt any fleet, ſquadron, or ſhip; or ſhall not obey the orders of his ſuperior officer as aforeſaid in time of action, to the beſt of his power; or ſhall not uſe all poſſible endeavours to put the ſame effectually in execution: every ſuch perſon ſo offending, and being convicted thereof by the ſentence of the court martial, ſhall ſuffer death, or ſuch other puniſhment as, from the nature and degree of the offence, a court martial ſhall deem him to deſerve.

Obedience to orders in battle.

XII. Every perſon in the fleet who, through cowardice, negligence, or diſaffection, ſhall, in time of action, withdraw or keep back, or not come into the fight or engagement; or ſhall not do his utmoſt to take or deſtroy every ſhip which it ſhall be his duty to engage; and to aſſiſt and relieve all and every of his majeſty's ſhips, or thoſe of his allies, which ſhall be his duty to aſſiſt and relieve; every ſuch perſon ſo offending, and being convicted thereof

Withdrawing or keeping back from fight, &c.



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by the ſentence of a court martial, ſhall ſuffer death *.

Forbearing to purſue an enemy, &c.

XIII. Every perſon in the fleet who, through cowardice, negligence, or diſaffection, ſhall forbear to purſue the chace of any enemy, pirate, or rebel, beaten or flying; or ſhall not relieve and aſſiſt a known friend in view to the utmoſt of his power; being convicted of any ſuch offence, by the ſentence of a court martial, ſhall ſuffer death.

Delaying or diſcouraging any ſervice.

XIV. If, when action or any ſervice ſhall be commanded, any perſon in the fleet ſhall preſume to delay or diſcourage the ſaid action or ſervice, upon pretence of arrears of wages, or upon any pretence whatſoever; every perſon ſo offending, being convicted thereof by the ſentence of the court martial, ſhall ſuffer death, or ſuch other puniſhment as from the nature and degree of the offence a court martial ſhall deem him to deſerve.

Deſerting to an enemy. Running away with ſhips' ſtores, &c.

XV. Every perſon in or belonging to the fleet, who ſhall deſert to the enemy, pirate, or rebel; or run away with any of his majeſty's ſhips or veſſels of war, or any ordnance, ammunition, ſtores, or proviſion belonging thereto, to the weakening of the ſervice; or yield up the ſame cowardly or treacherouſly to the enemy, pirate, or rebel; being convicted of any ſuch offence, by the ſentence of the court martial, ſhall ſuffer death.

* By act of parliament 19 Geo. 3. c. 17. ſ. 3. this article and the ſubſequent one are explained and amended thus: "And whereas "the reſtraining of the power of the court martial to the inflicting "of the puniſhment of death, in the ſeveral caſes recited in the ſaid "clauſes, may be attended with great hardſhip and inconvenience; "be it enacted, that from and after the paſſing of this act, it ſhall and "may be lawful, in the ſeveral caſes recited in the ſaid clauſes, "for the court martial to pronounce ſentence of death, *or to inflict* "*ſuch other puniſhment as the nature and degree of the offence ſhall be found* "*to deſerve.*"

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XVI. Every perſon in or belonging to the fleet, who ſhall deſert, or intice others ſo to do, ſhall ſuffer death, or ſuch other puniſhment as the circumſtances of the offence ſhall deſerve, and a court martial ſhall judge fit. And if any commanding officer of any of his majeſty's ſhips or veſſels of war ſhall receive or entertain a deſerter from any other of his majeſty's ſhips or veſſels, after diſcovering him to be ſuch deſerter, and ſhall not with all convenient ſpeed give notice to the captain of the ſhip or veſſel to which ſuch deſerter belongs; or if the ſaid ſhips or veſſels are at any conſiderable diſtance from each other, to the ſecretary of the admiralty, or to the commander in chief; every perſon ſo offending, and being convicted thereof by the ſentence of the court martial, ſhall be caſhiered. Deſertion, and entertaining deſerters.

XVII. The officers and ſeamen of all ſhips appointed for convoys and guard of merchant ſhips, or of any other, ſhall diligently attend upon that charge, without delay, according to their inſtructions in that behalf; and whoſoever ſhall be faulty therein, and ſhall not faithfully perform their duty, and defend the ſhips and goods in their convoy, without either diverting to other parts or occaſions, or refuſing or neglecting to fight in their defence if they be aſſailed, or running away cowardly, and ſubmitting the ſhips in their convoy to peril and hazard; or ſhall demand or exact any money or other reward from any merchant or maſter for convoying of any ſhips or veſſels entruſted to their care; or ſhall miſuſe the maſters or mariners thereof; ſhall be condemned to make reparation of the damage to the merchants, owners, and others, as the court of admiralty ſhall adjudge; and alſo be puniſhed criminally, Convoys.



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according to the quality of their offences, be it by pains of death, or other punishment, according as shall be adjudged fit by the court martial.

Receiving goods and merchandize on board.

XVIII. If any captain, commander, or other officer of any of his majesty's ships or vessels, shall receive on board, or permit to be received on board such ship or vessel, any goods or merchandizes whatsoever, other than for the sole use of the ship or vessel, except gold, silver, or jewels, and except the goods and merchandizes belonging to any merchant or other ship or vessel, which may be shipwrecked, or in imminent danger of being shipwrecked, either on the high seas, or in any port, creek, or harbour, in order to the preserving them for their proper owners, and except such goods or merchandizes as he shall at any time be ordered to take or receive on board by order of the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral for the time being; every person so offending, being convicted thereof by the sentence of the court martial, shall be cashiered, and be for ever afterwards rendered incapable to serve in any place or office in the naval service of his majesty, his heirs and successors *.

* By an after-clause in this act, it is further enacted, "That from "and after the twenty-fifth of December 1749, if any captain, "commissioner, or other officer of any of his majesty's ships or vessels, "shall receive on board, or permit or suffer to be received on board "such ship or vessel, any goods or merchandizes, contrary to the true "intent and meaning of the eighteenth article of this act, every such "captain, commissioner, or other officer, shall for every such offence, "over and above any punishment inflicted by this act, forfeit and pay "the value of all and every such goods and merchandizes so received, "or permitted or suffered to be received on board as aforesaid, or the "sum of 500l. of lawful money of Great Britain, at the election of the "informer or person who shall sue for the same, so that no more "than one of these penalties or forfeitures shall be sued for and

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XIX. If any perſon in or belonging to the fleet ſhall make, or endeavour to make, any mutinous aſſembly, upon any pretence whatſoever, every perſon offending herein, and being convicted thereof by the ſentence of the court martial, ſhall ſuffer death. And if any perſon in or belonging to the fleet ſhall utter any words of ſedition or mutiny, he ſhall ſuffer death, or ſuch other puniſhment as a court martial ſhall deem him to deſerve. And if any officer, mariner, or ſoldier, in or belonging to the fleet, ſhall behave himſelf with contempt to his ſuperior officer, ſuch ſuperior officer being in the execution of his office, he ſhall be puniſhed according to the nature of the offence by the judgment of a court martial.

Mutinous aſſembly.

Seditious words.

Contempt to ſuperior officers.

XX. If any perſon in the fleet ſhall conceal any traitorous or mutinous deſign, being convicted thereof by the ſentence of a court martial, he ſhall ſuffer death, or ſuch other puniſhment as a court martial ſhall think fit; and if any perſon in, or belonging to the fleet, ſhall conceal any traitorous or mutinous words ſpoken by any to the prejudice of his majeſty or government; or any words, practice, or deſign tending to the hindrance of the ſervice, and ſhall not forthwith reveal the ſame to the commanding officer; or being preſent at any

Concealing traitorous or mutinous deſigns, &c.

" recovered by virtue of this act. One moiety of which penalties or " forfeitures ſhall be forfeited and paid to the perſon who ſhall inform " and ſue for the ſame, and the other moiety thereof to and for the uſe " of the Royal Hoſpital at Greenwich; which forfeiture ſhall be ſued " for by action of debt, bill, plaint, or information, in any of his " majeſty's courts of record at *Weſtminſter*, or in the high court " of admiralty, at the election of the informer or perſon who ſhall ſue " for the ſame; and the court ſhall award ſuch coſts to the parties " as ſhall be juſt; and in all caſes where judgment or ſentence ſhall " be given againſt any ſuch offender, the court ſhall, with all conve- " nient ſpeed, certify the ſame to the lord high admiral, or to the " commiſſioners for executing the ſaid office."

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mutiny or ſedition, ſhall not uſe his utmoſt endeavours to ſuppreſs the ſame; he ſhall be puniſhed as a court martial ſhall think he deſerves.

No perſon, upon any pretence, to attempt to ſtir up diſturbance.

XXI. If any perſon in the fleet ſhall find cauſe of complaint of the unwholeſomeneſs of the victual, or upon other juſt grounds, he ſhall quietly make the ſame known to his ſuperior or captain, or commander in chief, as the occaſion may deſerve, that ſuch preſent remedy may be had as the matter may require; and the ſaid ſuperior, captain, or commander in chief, ſhall, as far as he is able, cauſe the ſame to be preſently remedied; and no perſon in the fleet, upon any ſuch or other pretence, ſhall attempt to ſtir up any diſturbance, upon pain of ſuch puniſhment as a court martial ſhall think fit to inflict, according to the degree of the offence.

Striking a ſuperior officer.

XXII. If any officer, mariner, ſoldier, or other perſon in the fleet, ſhall ſtrike any of his ſuperior officers, or draw, or offer to draw, or lift up any weapon againſt him, being in the execution of his office, on any pretence whatſoever, every ſuch perſon, being convicted of any ſuch offence by the ſentence of a court martial, ſhall ſuffer death; and if any officer, mariner, ſoldier, or other perſon in the fleet, ſhall preſume to quarrel with any of his ſuperior officers, being in the execution of his office, or ſhall diſobey any lawful command of any of his ſuperior officers; every ſuch perſon, being convicted of any ſuch offence by the ſentence of a court martial, ſhall ſuffer death, or ſuch other puniſhment as ſhall, according to the nature and degree of the offence, be inflicted upon him by the ſentence of a court martial.

Quarrelling.

Diſobedience.



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Fighting.

XXIII. If any perſon in the fleet ſhall quarrel or fight with any other perſon in the fleet, or uſe reproachful or provoking ſpeeches or geſtures, tending to make any quarrel or diſturbance, he ſhall, upon being convicted thereof, ſuffer ſuch puniſhment as the offence ſhall deſerve, and a court martial ſhall impoſe.

Provoking ſpeeches, &c.

Embezzlement of ſtores.

XXIV. There ſhall be no waſteful expence of any powder, ſhot, ammunition, or other ſtores in the fleet, nor any embezzlement thereof; but the ſtores and proviſions ſhall be carefully preſerved, upon pain of ſuch puniſhment, to be inflicted upon the offenders, abettors, buyers, and receivers (being perſons ſubject to naval diſcipline), as ſhall be, by a court martial, found juſt in that behalf.

Burning a magazine, ſhip, &c.

XXV. Every perſon in the fleet, who ſhall unlawfully burn, or ſet fire to, any magazine or ſtore of powder, or ſhip, boat, ketch, hoy, or veſſel, or tackle or furniture thereunto belonging, not then appertaining to an enemy, pirate, or rebel, being convicted of any ſuch offence, by the ſentence of a court martial, ſhall ſuffer death.

Steering and conducting ſhips, &c.

XXVI. Care ſhall be taken in the conducting and ſteering of any of his majeſty's ſhips, that through wilfulneſs, negligence, or other defaults, no ſhip be ſtranded, or run upon any rocks or ſands, or ſplit or hazarded; upon pain, that ſuch as ſhall be found guilty therein be puniſhed by death, or ſuch other puniſhment as the offence, by a court martial, ſhall be judged to deſerve.

Sleeping, negligence, and forſaking a ſtation.

XXVII. No perſon in or belonging to the fleet ſhall ſleep upon his watch, or negligently perform the duty impoſed on him, or forſake his ſtation, upon pain of death, or ſuch other

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puniſhment as a court martial ſhall think fit to impoſe, and as the circumſtance of the caſe ſhall require.

Murder. XXVIII. All murders committed by any perſon in the fleet, ſhall be puniſhed with death, by the ſentence of a court martial.

Sodomy. XXIX. If any perſon in the fleet ſhall commit the unnatural and deteſtable ſin of buggery or ſodomy with man or beaſt, he ſhall be puniſhed with death, by the ſentence of a court martial.

Robbery. XXX. All robbery committed by any perſon in the fleet, ſhall be puniſhed with death, or otherwiſe, as a court martial, upon conſideration of circumſtances, ſhall find meet.

Falſe muſters. XXXI. Every officer, or other perſon in the fleet, who ſhall knowingly make or ſign a falſe muſter or muſter book; or who ſhall command, counſel, or procure the making or ſigning thereof; or who ſhall aid or abet any other perſon in the making or ſigning thereof; ſhall, upon proof of any ſuch offence being made before a court martial, be caſhiered, and rendered incapable of further employment in his majeſty's naval ſervice.

Apprehending and keeping criminals. XXXII. No provoſt martial belonging to the fleet ſhall refuſe to apprehend any criminal, whom he ſhall be authorized by legal warrant to apprehend; or to receive or keep any priſoner committed to his charge; or wilfully ſuffer him to eſcape, being once in his cuſtody; or diſmiſs him without lawful order; upon pain of ſuch puniſhment as a court martial ſhall deem him to deſerve; and all captains, officers, and others in the fleet, ſhall do their endeavour to detect, apprehend, and bring to puniſhment, all offenders, and ſhall aſſiſt the officers appointed for that purpoſe therein, upon pain of

Bringing offenders to puniſhment.

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being proceeded againſt, and puniſhed by a court martial according to the nature and degree of the offence.

Behaving unbecoming an officer.

XXXIII. If any flag officer, captain, or commander, or lieutenant belonging to the fleet, ſhall be convicted, before a court martial, of behaving in a ſcandalous, infamous, cruel, oppreſſive, or fraudulent manner, unbecoming the character of an officer, he ſhall be diſmiſſed from his majeſty's ſervice.

Mutiny. Deſertion. Diſobedience when on ſhore in the king's dominions.

XXXIV. Every perſon being in actual ſervice and full pay, and part of the crew in or belonging to any of his majeſty's ſhips or veſſels of war, who ſhall be guilty of mutiny, deſertion, or diſobedience to any lawful command, in any part of his majeſty's dominions on ſhore, when in actual ſervice relative to the fleet, ſhall be liable to be tried by a court martial, and ſuffer the like puniſhment for every ſuch offence as if the ſame had been committed at ſea, on board any of his majeſty's ſhips or veſſels of war.

Crimes committed on ſhore out of the king's dominions.

XXXV. If any perſon who ſhall be in actual ſervice and full pay in his majeſty's ſhips and veſſels of war, ſhall commit upon the ſhore, in any place or places out of his majeſty's dominions, any of the crimes puniſhable by theſe articles and orders, the perſon ſo offending ſhall be liable to be tried and puniſhed for the ſame, in like manner, to all intents and purpoſes, as if the ſaid crimes had been committed at ſea, on board any of his majeſty's ſhips or veſſels of war.

Crimes not mentioned in this act.

XXXVI. All other crimes, not capital, committed by any perſon or perſons in the fleet, which are not mentioned in this act, or for which no puniſhment is hereby directed to be inflicted, ſhall be puniſhed according



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to the laws and cuſtoms in ſuch caſes uſed at ſea.

The foregoing articles extended to officers and ſeamen ſerving in the lakes, &c. in *North America*.

29 Geo. 2. c. 27.

All the articles, orders, powers, authorities, clauſes, matters, and things, contained in the above act of 22 Geo. 2. c. 33. ſhall be deemed and taken to be in full force, and ſhall be obſerved, uſed, exerciſed, performed, and executed for the trial and puniſhment of all offences ſpecified therein, which ſhall be committed by any officers, ſeamen, or other perſons reſpectively, who do, or for the time being ſhall ſerve on board of any of his majeſty's ſhips or veſſels employed in or upon ſuch lakes, great waters, or rivers, in *North America*, as fully and effectually, to all intents and purpoſes, as if the ſame offences or offence had been committed upon the main ſea, or in great rivers, beneath the firſt bridges of the ſaid rivers nigh to the ſea, or in any haven, river, or creek, within the juriſdiction of the admiralty of Great Britain.

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## Ballaſtage on the Thames.

THE preamble to theſe acts recites "the "ſole right of ſupplying all ſhips and veſſels "with ballaſt, that ſail, paſs, and repaſs on the "river Thames, between London Bridge and "the main ſea, to be veſted, by grants from "the crown, in the maſter, wardens, and "aſſiſtants of the Trinity Houſe of Deptford "Strond, in the county of Kent; that they "have conſtantly employed ſixty ballaſt "lighters, and one hundred and twenty men, "to dig and raiſe ballaſt from the ſhelves of the "river, and to convey the ſame to veſſels "having occaſion for it, whereby the channels "of the river have been conſiderably deepened, "and ſeveral of the obſtructions to navigation "removed; that the net profits ariſing from "the accuſtomed rates and duties are applied "to the relief of many hundreds of decayed "ſeamen, their widows and orphans; that "great frauds had been committed by the "ballaſt men in not delivering due tonnage of "ballaſt; that combinations had been entered "into by the ballaſt-men refuſing to ſupply "ſhips with ballaſt at the uſual and accuſ-"tomed rates."—Upon theſe principles an act was paſſed for "remedying and preventing "ſuch frauds and abuſes as aforeſaid, and pre-"ſerving the navigation of the River Thames, "and promoting and encouraging the trade of "this kingdom." 6 Geo. 2. c. 29. ſ. 1.

Ships having occaſion for ballaſt ſhall pay to the Trinity Houſe, for all ballaſt demanded, and entered at the ballaſt office of the ſaid corporation, after the following rates:

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Prices to be paid for ballaſt.

For every ton of ballaſt, conſiſting of twenty hundred weight, carried to any ſhip or veſſel employed in the coal trade, the ſum of twelve-pence.

For every ſuch ton carried to any other Britiſh veſſel, fifteen-pence.

And nineteen-pence for every ton of ballaſt carried to any foreign ſhip or veſſel.

6 Geo. 2. c. 29 ſ. 1.

The ſaid corporation of Trinity Houſe ſhall pay for raiſing and carrying every ton of ballaſt, conſiſting of twenty hundred weight, the ſum of ninepence, whereof ſixpence ſhall be paid to the two ballaſt men for their labour, and three-pence for the uſe of the ballaſt lighters employed in that ſervice.

6 Geo 2. c. 29. ſ. 2.

Price of waſhed ballaſt not altered.

6 Geo. 2. c. 29. ſ. 3.

Penalty of 2s. 6d. *per* ton on ballaſt-men delivering ſhort quantities, or neglecting to deliver, &c.

By whom deficiencies to be made good, and penalties.

6 Geo 2. c 29. ſ. 4.

Trinity Houſe, Deptford Strond, to make good deficiency in quantity, either in ballaſt or money, at the option of the perſon aggrieved; and if ſuch ſatisfaction be refuſed to be made, or ſhall not be made within ten days after the ſame ſhall be demanded, then the ſaid corporation, in every ſuch caſe, ſhall forfeit and pay the ſum of 50l. (to be recovered by bill, plaint, or information, in any of his majeſty's courts at Weſtminſter); one moiety of which penalty to be applied to the uſe of the poor of the pariſh where ſuch offence ſhall be committed, and the other to the perſon who ſhall ſue for the ſame; which recompence, payment, and ſatisfaction, the ſaid corporation are hereby authorized to ſtop out of the wages due to ſuch ballaſt-men, as ſhall offend in delivering ſhort tonnage or ballaſt, over and above the penalties inflicted hereby, for every ſuch offence.

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Maſters of ſhips not to compel ballaſt-men to deliver contrary to order. If any maſter, mate, or other officer of any ſhip or veſſel, ſhall fraudulently, or by colluſion with any ballaſt-men, take or receive on board any greater quantity of ballaſt than they reſpectively ſhall enter or pay for at the ſaid ballaſt office, every perſon ſo offending ſhall forfeit and pay the ſum of 2s. 6d. for every ton of ballaſt ſo fraudulently received.

6 Geo. 2. c. 29. f. 5. Forfeitures for receiving on board greater quantities of ballaſt than paid for.

5l. Penalty on ballaſt-men refuſing to work, or quitting the ſervice of the Trinity Houſe without three months notice in writing, or working in other ſtations than directed, or entering into combinations to raiſe wages.

6 Geo. 2. c. 29. f. 6. Penalties on refuſing to work.

Burden of ballaſt-lighters to be marked on the ſtem and ſtern; and if any one ſhall offend in the premiſes, or ſhall remove, alter, or deface any gauge mark of any ſuch lighter, ſhall, for every ſuch offence, forfeit or pay the ſum of 5l.

6 Geo. 2. c. 29. f. 7. 32 Geo. 2. c. 16. f. 6.

Maſters of ſhips may appoint perſons to inſpect the marks of lighters.

6 Geo. 2. c. 29. f. 8.

On ſuſpicion of altering the marks, lighters to be reweighed. If the marks are found right, the charge to be paid by the perſons requiring the lighter to be reweighed; if wrong, by the *Trinity Houſe*.

6 Geo. 2. c. 29. f. 8.

50l. Penalty on the *Trinity Houſe* neglecting to reweigh.

6 Geo. 2. c. 29. f. 8.

Only two lighters to be reweighed in one week.

6 Geo. 2. c. 29. f. 9.

Only one lighter to be reweighed in one week, when the ſaid corporation ſhall have reaſon to ſuſpect that the gauge mark hath been removed, altered, or changed; and on

32 Geo. 2. c. 16. f. 7.



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being found to be of greater tonnage than the mark, the owner of ſuch lighter ſhall forfeit and pay the ſum of 5l.

6 Geo. 2. c. 29. ſ. 10. Maſters of ſhips to inſpect the depth at which a lighter ſwims, before and after delivering ballaſt.

6 Geo. 2. c. 29. ſ. 11. 5l. Penalty for obſtructing them, or not trimming the lighter even.

And 10l. penalty for working lighters not weighed and marked, or defacing the marks.

32 Geo 2. c. 16. ſ. 6. 5l. Penalty for removing, defacing, or counterfeiting, any gauge-mark, or number of ballaſt-lighters.

6 Geo. 2. c 29. ſ. 12. 40s. Penalty on ballaſt-men demanding money as fee or reward.

6 Geo 2. c. 29. ſ. 13. Ballaſt-men ſubject to the regulation of the Trinity Houſe, provided ſuch regulations do not extend to the lowering the wages of the ſaid ballaſt-men.

6 Geo. 2. c. 29. ſ. 14. Maſters of ſhips may carry from *the Thames* dung, chalk, rubbiſh, or other goods, furniſhed as ballaſt by *the Trinity Houſe*, ſubject to the rates.

6 Geo. 2. c. 29. ſ. 15. 32 Geo. 2. c. 16. ſ. 3. Entry being made at the ballaſt-office of *the Trinity Houſe* at London or Graveſend.

6 Geo. 2. c. 29. ſ. 16. 32 Geo. 2. c. 16. ſ. 3. 1d. A ton to be paid for licence.

6 Geo. 2. c. 29. ſ. 17. 32 Geo. 2. c. 16. ſ. 4. 5l. Penalty for taking ſuch goods without ſuch entry and payment; one moiety of which to be applied for the uſe of the poor of the Trinity Houſe, and the other moiety to the perſon who ſhall inform or ſue for the ſame.

6 Geo. 2. c. 29. ſ. 18. 32 Geo. 2. c. 16. Not above three thouſand tons of dung, and three thouſand tons of chalk, and two thouſand



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tons of ſoap aſhes, and other goods to be ſhipped as ballaſt by coaſters and colliers in one year, to commence and be computed from the firſt day of *June* inclufive in every year.

Entries of ſuch goods, ſhipped in the laſt ſeven days of May to be made at the ballaſt office of the Trinity Houſe in London, and not at Graveſend.

Entry to be made of all commodities ſhipped as ballaſt, and one penny *per* ton paid for a licence to the Trinity Houſe. 6 Geo. 2. c. 29. ſ. 19. 32 Geo. 2. c. 16. ſ. 3.

Ships may take bricks, tiles, lime, or other merchandizeable commodity, without paying for it as ballaſt. 6 Geo. 2. c. 29. ſ. 20. 32 Geo. 2. c. 16. ſ. 5.

Forfeitures applied to the Trinity Houſe to defray loſſes, and to their poor. 6 Geo. 2. c. 29. ſ. 22.

Two juſtices, not of the Trinity Houſe, for London, Middleſex, Eſſex, Kent, or Surrey, to determine offences, and to levy penalties by diſtreſs or commitment. 6 Geo. 2. c. 29. ſ. 22.

May mitigate penalties not below one half. 6 Geo. 2. c. 29. ſ. 23.

Appeal to quarter ſeſſions, any perſons finding themſelves aggrieved, or remaining unſatisfied in the judgment of the ſaid juſtices. 6 Geo. 2. c. 29. ſ. 24.

Maſters of ſhips throwing ballaſt, &c. in harbours, except upon dry land, being convicted before a juſtice of peace, to be fined not more than 5l. nor leſs than 50s. 19 Geo. 2. c. 22.

The penalty to be levied by diſtreſs and ſale; for want of diſtreſs to be committed for two months, or until payment ſhall be made of the forfeiture. 19 Geo. 2. c. 22. ſ. 2.

Three thouſand tons of dung, compoſt, earth, or ſoil (beſides two thouſand tons from the lay- 32 Geo. 2. c. 16. ſ. 2.



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ſtalls in London), and three thouſand tons of chalk and chalk rubbiſh, and two thouſand tons of ſoap aſhes and other commodities, may be laden as ballaſt in the Thames.

32 Geo. 2. c. 16. ſ. 7. 5l. Penalty on the owner of a ballaſt-lighter being of greater tonnage than marked.

32 Geo. 2. c. 16. ſ. 8. Veſſels in the Thames to unload their ballaſt above high water mark, or into lighters of the Trinity Houſe:

32 Geo. 2. c. 16. ſ. 8. 5l. Penalty on the Trinity Houſe, neglecting to furniſh lighters (unleſs prevented by froſt or ſtormy weather); one moiety of which to be applied to the uſe of the poor of the pariſh or place where the offence ſhall be committed; and the other moiety to the perſon who ſhall ſue for the ſame.

32 Geo. 2. c. 16. ſ. 9. The Trinity Houſe to be paid 6d. *per* ton for ballaſt unloaded into their lighters.

32 Geo. 2. c 16. ſ. 10. 5l. Penalty for unloading ballaſt below high water mark in the Thames.

32 Geo. 2. c. 16. ſ. 11. 40s. Penalty for throwing rubbiſh from any wharf or lighter into the Thames.

32 Geo. 2. c. 16. ſ. 12. Ballaſt for coaſters or colliers to be carried in marked lighters, and thence delivered on board, on penalty of 5l.

32 Geo. 2. c. 16. ſ. 15. Leſſees and occupiers of lay-ſtalls in London may ſhip annually two thouſand tons of dung, compoſt, earth, or ſoil, as ballaſt.

32 Geo. 2 c. 16. ſ. 18. Any juſtice for the place may convict offender, on view or information, of throwing ballaſt, rubbiſh, &c. into the River Thames.

32 Geo 2. c 16. ſ. 19. Inhabitants may be witneſſes.

32 Geo. 2 c 16. ſ. 26. The juſtices may mitigate the penalties not above one moiety.



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## Boats, Barges, &c.

## IN THE INLAND NAVIGATION.

IT having been thought expedient by the legiſlature to aſcertain the quantity of veſſels employed in the inland trade, and the number of men retained in navigating the ſame, it was enacted as follows:

Every lighter, barge, boat, wherry, or other veſſel, exceeding the burden of thirteen tons, which, from and after the 15th day of June 1795, ſhall be worked, rowed, or navigated, upon any river, canal, or other inland water or navigation in Great Britain, ſhall be regiſtered in manner hereinafter-mentioned; and the perſon or perſons claiming the property therein ſhall, on or before the ſaid 1ſt of September, cauſe the ſame to be regiſtered, and obtain a certificate of ſuch regiſtry from the clerk of the peace, town clerk, &c. of the county, riding, ſhire, or place, to which ſuch lighter, &c ſhall belong, in the manner hereinafter directed; and every ſuch regiſter and certificate ſhall truly ſet forth, whether the veſſel be a lighter, barge, boat, wherry, or what other veſſel, and alſo the name or names, with the places of abode, of the maſter thereof, together with the number and capacities, of all perſons then and uſually employed in working the ſame; and alſo the burden thereof; and alſo ſhall give a juſt account of the line and extent of the navigation in which ſuch veſſel hath been uſually navigated; and where ſituated.

35 Geo. 3. c. 58. Lighters, barges, &c. to be regiſtered.

By 35 Geo. 3. c. 112. this time is extended to September 1, 1795.

2s. 6d. and no more, to be paid for ſuch regiſtry and certificate.

35 Geo. 3, c. 58. ſ. 1. and 35 Geo. 3. c. 112. ſ. 3.



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35 Geo. 3. c. 50. s. 2. Particulars to be verified on oath.

Particulars inſerted in the regiſter and certificate to be verified on the oath of the maſter of ſuch veſſel previous to the regiſtry thereof, if the ſame ſhall be required by any perſon appointed by the commiſſioners of the admiralty.

35 Geo. 3. c. 50. s. 3. Surveyor to be appointed.

The commiſſioners of the admiralty are authorized, to appoint perſons to ſurvey and admeaſure all ſuch veſſels as ſhall be kept or worked upon any ſuch river, &c.; and the maſter of any ſuch veſſel which ſhall have been regiſtered, ſhall, upon demand, produce ſuch certificate of regiſtry to ſuch officers, who are authorized to go on board every ſuch veſſel (whether regiſtered or not), and accurately examine and admeaſure the ſame, ſo as to have every particular inſerted in the regiſter, in the preſence of the maſter, and ſhall ſet down in writing a juſt account of all ſuch particulars, and ſhall require the maſter to ſign his name thereto; and ſuch maſter ſhall ſign his name to ſuch account accordingly, unleſs he diſſent from the particulars ſet forth therein; in which caſe ſuch maſter is required to ſet down in writing his reaſons for ſuch diſſent at the foot of ſuch account, and ſign the ſame accordingly.

35 Geo. 3. c. 58. and 112. Penalty upon perſons not regiſtering.

Perſons not regiſtering nor demanding a certificate of regiſter, purſuant to this act, within the time limited, or wilfully delivering a falſe deſcription of any of the particulars hereby required to be contained in ſuch regiſter and certificate; or wilfully obſtructing any ſurveying officer, or his aſſiſtants, in ſurveying or admeaſuring any ſuch veſſel, or in going on board, or being on board the ſame for that purpoſe, or ſhall aſſault ſuch ſurveying officer, or his aſſiſtants, in the execution of this act; or if any perſon herein authorized

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to make ſuch regiſtry, and grant ſuch certificate, or to ſurvey and admeaſure any ſuch veſſel, ſhall knowingly make any falſe regiſter, or make out any falſe account of the particulars required by this act, or ſhall refuſe or wilfully neglect to grant a certificate (the ſame being demanded according to the directions of this act), ſhall, upon conviction, forfeit 20l. 35 Geo. 3. c. 58. and 112.

Lighters, barges, &c. worked, rowed, or navigated upon any river, &c. at any time after the firſt of September 1795, during the continuance of this act, without being duly regiſtered, ſhall be forfeited, and may be ſeized by any ſurveying officer appointed under this act; and the maſter thereof ſhall, for every ton which ſuch unregiſtered lighter, barge, &c. ſhall be worked, forfeit the ſum of 10l. 35 Geo. 3. c. 58. and 112. ſ. 3. Forfeiture incurred by unregiſtered lighters.

The true number of tons burthen of ſuch veſſels, and alſo the names of the owners thereof, and the place to which ſuch veſſel ſhall belong, are to be painted in large white capital figures, on a black ground, four inches in length at the leaſt, and of a proportionable breadth, on the outſide of the ſtern, higher than the place to which the ſame ſhall ſink into the water when fully laden, and to continue the ſame thereupon in a diſtinct and legible manner; and every owner or maſter who ſhall navigate the ſame, without having ſuch figures thereon, or who ſhall wilfully alter or deſtroy ſuch figures, or any part thereof, ſhall, for every offence, pay a ſum not exceeding 20l. nor leſs than 5l. 33 Geo. 3 c. 58. ſ. 6. Tonnage, &c. to be painted outſide.

Every lighter, &c. which ſhall begin to be kept or worked at any time after the ſaid firſt of September 1795, and during the continuance of this act, ſhall be duly regiſtered, ſurveyed, or Lighters to be ſurveyed. 35 Geo. 3. c. 58. ſ. 7. and 35 Geo. 3. c. 112. ſ. 3.



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35 Geo. 3. c. 58. f. 7. and 35 Geo. 3. c. 112. f. 3.

admeaſured, and the burthen thereof aſcertained and duly marked, according to the directions of this act, before the ſame ſhall be ſo worked, under pain of forfeiting the penalties and forfeitures hereinbefore mentioned, with reſpect to the like veſſels ſo worked, rowed, or navigated, on or before the firſt of September 1795.

Regiſters to be tranſmitted to the Admiralty. 35 Geo. 3. c. 58. ſ. 8.

Regiſters are to be entered in a book, and an extract of them to be tranſmitted to the Admiralty (under penalty of 100l.), by perſons who are authorized to regiſter and grant certificates.

Counties, &c. to be aſcertained. Sect. 9.

The county, riding, diviſion, ſhire, ſtewartry, or place, to which any ſuch lighter &c. ſhall be taken to belong, for the purpoſes of this act, ſhall be any one of the counties, &c. in which ſuch river, &c. wherein ſuch lighter, &c. ſhall be worked ſhall run or be, or in which the maſter ſhall actually reſide.

Falſe oaths. Sect. 10.

Perſons taking falſe oaths, where oaths are required to be taken by this act to be guilty of perjury; and counterfeiting, eraſing, altering, or falſifying any certificate required by this act, or knowingly making uſe of any ſuch counterfeit certificate, to forfeit 100l. for every ſuch offence.

Extenſion of this act. Sect. 11.

This act not to extend to veſſels of the royal family, nor to boats uſed ſolely for pleaſure.

Penalties, how to be ſued for. Sect. 12.

Penalties and forfeitures to be ſued for as directed for penalties and forfeitures for offences againſt the exciſe laws.

Duration of the act.

This act to have continuance until the fifth of April 1798, and then until the end of the then next ſeſſion of parliament *.

* For further particulars relative to Boats, &c. liable to ſeizure—ſee SMUGGLING.

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## Bullion.

THE deficiency of the precious metals in the reign of King William, the ſums required for the national expenditure; and the debaſement of the coin; induced the legiſlature to paſs an "Act to encourage the bringing Plate into the "Mint to be coined; and for the remedying "the ill State of the Coin of the Kingdom; "and for the more effectual prohibiting the "melting down the Coin of the Kingdom, "and Silver Plate wrought within the Realm; "and the Exportation of the molten Silver "and Bullion of the Kingdom," enacted,

The proviſions of this act are as follow:

"That no molten ſilver or bullion whatſo- "ever ſhall be put on board any ſhip or "veſſel whatſoever, either in bars, ingots, "wedges, cakes, pinas, or in any other form "whatſoever, unleſs a certificate be firſt ob- "tained from the court of the lord mayor and "aldermen of the city of London, upon oath, "by the owner of ſuch molten ſilver or bullion, "and the oaths of two or more credible wit- "neſſes, that the ſame molten ſilver or bullion, "and every part thereof, was foreign bullion, "and that no part thereof was the coin of this "realm, nor clippings thereof, nor plate "wrought within this kingdom. Upon the lord "mayor and aldermen being ſatisfied of the "above facts, they are to grant a certificate, "without fee or reward, expreſſing the name "of the owner of ſuch bullion; the names of "the witneſſes; and the true weight of ſuch "bullion; and to make an entry of ſuch cer- "tificate in a book kept for that purpoſe.

7 & 8 Will. 3. c. 19. f. 6. No perſon to ſhip bullion without a certificate and oath that it is foreign bullion.

7 & 8 Will. 3. c. 29. f. 6. Certificate to expreſs owner's name, weight of bullion, &c.

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" The certificate to be ſhewn to the commiſ-
" ſioners of the cuſtoms, or four of them, before
" any cocket be granted for exporting ſuch
" bullion : and an entry thereof ſhall be duly
" made by the ſaid commiſſioners, in a book
" kept by them for that purpoſe."

Penalty.

Bullion ſhipped without oath, certificate, and entry, purſuant to the preceding clauſe, may be ſeized by any officer of the cuſtoms, or any other perſon ; the bullion ſo ſhipped ſhall be forfeited, one moiety to the king, and the other moiety to the perſon ſeizing it.

Sect. 7.
Maſter of the ſhip, if it belong to a ſubject, to forfeit 200l.
If captain of a man of war, to forfeit 200l. loſe his poſt, and be incapable of any employment.

Maſters of ſhips ſuffering ſuch bullion to be ſhipped contrary to this act, to forfeit to ſuch perſon as ſhall ſue for the ſame 200l. ; and in caſe the ſhip be a man of war, or veſſel belonging to his majeſty, the captain ſhall forfeit 200l. forfeit his employment, and be made incapable of any office or employment, civil or military.

9 & 10 Will. 3. c. 28.
Such watches, ſword hilts, wrought plate, &c as ſhall be yearly allowed by the commiſſioners of the cuſtoms.

By a ſubſequent act of the ſame king, " It
" ſhall be lawful to export ſuch watches,
" ſword hilts, wrought plate, and other ſilver
" manufactures made within this kingdom,
" being of the fineneſs of eleven ounces and
" ten pennyweights to every pound troy, and
" ſo proportionably for every greater or leſſer
" weight, according to the rules preſcribed in
" the laſt recited act, as ſhall be yearly allowed
" by the commiſſioners of the cuſtoms, or any
" three of them."

BUM-

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## Bum-Boats on the Thames.

THE various thefts committed upon the River Thames repeatedly called for legiſlative interpoſition to protect the property on board of veſſels. Accordingly theſe Acts contain ſome very ſtrong, but at the ſame time neceſſary, meaſures for bringing offenders committing depredations in bum-boats, and their accomplices, ſpeedily to juſtice.

The intercourſe between ſeamen and the ſhore; and the facility with which the ſhip's ſtores might be conveyed away; rendered theſe acts peculiarly neceſſary. In ſubſtance they therefore enact, that bum-boats ſhall be licenſed; the names and numbers of the owners entered at the office of the Trinity-Houſe, and placed in a conſpicuous place in every reſpective boat, with a view more eaſily to aſcertain and more certainly to convict offenders againſt theſe acts.—They prohibit the taking in change, bartering, or unlawfully receiving any goods of veſſels in the river; enact penalties upon perſons guilty of offences; point out the perſons who ſhall have power to apprehend upon ſuſpicion; extend and define the powers of the magiſtrates to commit; and the puniſhment to be inflicted.

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Bum-boats to be entered at the office of the Trinity Houſe. 2 Geo. 3. c. 28.

Perſons uſing, lending, or navigating, any bum-boat, or boat for the purpoſe of ſelling, bartering, or expoſing to ſale, to or amongſt the ſeamen, &c. employed in and about ſhips, veſſels, or any craft, any liquors, ſlops, tobacco, brooms, or any fruit, greens, gingerbread, or other ſuch like ware; or ſhall ſell, barter, exchange, or expoſe to ſale, any of the aforeſaid articles, in, from, or out of any bum-boat, or other boat (except ſuch as be entered at the office of the Trinity Houſe); or if any perſon

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2 Geo. 3. c 28. or perſons ſhall take in change, barter, or unlawfully receive any goods of veſſels in the river, being convicted before a juſtice of the peace, on the oath of one or more credible perſons, ſhall be deemed guilty of a miſdemeanor; and it may be lawful for any perſon to apprehend and detain all perſons then on board ſuch boat, and alſo to ſeize, ſearch, and detain in ſome place of ſafety, ſuch boat, with the tackle, apparel, furniture, and loading; and the perſons ſo apprehended ſhall be conveyed before a juſtice of peace; and ſuch boat, with her furniture and loading as aforeſaid, ſhall, on conviction, be forfeited and diſpoſed of.

Names of the owners to be ſpecified; and number to be marked on the boat. Sect. 2.

Bum-boats, or other boats whatſoever, uſed and navigated for the purpoſes aforeſaid between London Bridge and the Lower Hope Point, ſhall be entered, by the owner or owners thereof, with the maſter, wardens, and aſſiſtants, at the Trinity Houſe, ſpecifying the name or names, and place or places of abode, of ſuch owner or owners, in order that the ſaid maſter, wardens, and aſſiſtants, may regiſter every ſuch entry, and deliver in writing to ſuch owner a number to be marked on one or more parts of ſuch boat, who ſhall cauſe the ſame to be forthwith marked, together with their chriſtian and ſurname or names, and place or places of abode, on ſuch part of the ſaid boat ſo entered as aforeſaid as the ſaid maſter, warden, and aſſiſtants, ſhall from time to time direct.

Bum-boats, when altered or varied, new owner to make freſh entry. Sect. 3.

So often as ſuch bum-boat or boats ſhall be varied or altered, the new owner ſhall make a freſh entry of the ſame, and cauſe the number delivered to be marked on the boat, with their chriſtian and ſurname or names, and place or places of abode as aforeſaid.

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The Trinity Houſe are to regiſter ſuch entries, and deliver out a number in writing to ſuch owner or owners to be marked on ſuch boat; for the regiſtering of which the ſum of 5s. ſhall be paid, and no more, to the ſaid maſter, warden, and aſſiſtants; and they are from time to time to make ſuch orders and regulations as they may think requiſite, for aſcertaining the names and places of abode, of the owners thereof, and ſhall cauſe the ſame to be from time to time renewed, and kept fair and legible: and that all ſuch orders, rules, and regulations, after being publiſhed in the London Gazette, and printed copies thereof affixed at different places, be obſerved by, and binding on every owner or owners of ſuch boats.

2 Geo. 3 c. 28. Trinity Houſe to make regulations, &c. which ſhall be binding upon the owners, &c. Sect. 4.

The maſter, wardens, and aſſiſtants, or perſons diſputed by them, and all owners or maſters of veſſels in the river, or perſons authorized by ſeven of them, may ſearch, ſtop, and detain in ſome place of ſafety any boat that may be ſuſpected to have ropes, cordage, ſtores, materials, or part of any cargo or lading, ſtolen or unlawfully procured from or out of any ſhip or veſſel in the river, and alſo apprehend and detain any perſon or perſons ſo ſuſpected, and carry them before a juſtice of the peace; who, on not giving an account how they came by the ſame to the ſatisfaction of ſuch juſtice, ſhall be deemed and adjudged guilty of a miſdemeanor, and the boat and loading, on ſuch conviction, be forfeited and diſpoſed of.

Boats ſuſpected of having ropes, cordage, &c. ſtolen, or unlawfully procured, may be detained. Sect. 5.

Conſtables, beadles, and watchmen on duty, may ſeize all ſtores, or goods ſuſpected to be ſtolen from veſſels in the river, and carry the perſons concerned before a juſtice; and if ſuch perſon or perſons ſhall not produce the party or parties from whom he, ſhe, or they, bought

Perſons ſuſpected of being concerned in ſtealing goods from any veſſel in the river may be carried before a magiſtrate. Sect. 6.

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2 Geo. 3. c. 28. or received the ſame, the ſaid perſon and perſons ſo apprehended ſhall be deemed and adjudged guilty of a miſdemeanor.

Juſtices may grant ſearch warrants, &c. Sect. 7.

Juſtices on oath of a ſuſpicion, of the concealment of ſtolen goods may grant a warrant, under their hand and ſeal, to ſearch ſuch dwelling-houſe, warehouſe, out-houſes, &c. where ſuch ſtolen goods may be ſuppoſed to be depoſited, and if found are to be ſecured and kept in ſome place of ſafety, and the perſon or perſons in whoſe houſe the ſame may be found are to be brought before a juſtice, and not giving a ſatisfactory account how they came by the ſame, or producing the party or parties of whom they bought or received the ſame, ſhall be deemed and adjudged guilty of a miſdemeanor.

Goods ſuſpected to have been ſtolen, how to be diſpoſed of. Sect. 8.

The juſtice may cauſe the goods ſo ſtolen to be depoſited with the churchwardens or overſeers of the poor, for any time not exceeding thirty days; and may order ſuch churchwardens and overſeers to advertiſe them in ſome public newſpaper, if within the bills of mortality; and if not, notice is to be given by ſome public cryer, and affixed on the church-door, that the perſons having loſt any ſuch, or any reputable perſon in their behalf, may claim the ſame within thirty days of ſuch notice; and if any perſon ſhould prove the ſame to be their property, the juſtice may order reſtitution, upon their paying charges, and compenſation to the informer. But if at the end of the ſaid thirty days no ſuch proof ſhould be made, the goods, &c. are to be ſold by the churchwardens, and the money ariſing from ſuch ſale, deducting charges, is to go, one moiety to the informer, and the other moiety to the poor of the pariſh.

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Every perſon to whom any goods, ſtores, or things belonging to ſhips or veſſels ſhall be brought, and offered to be ſold, pawned, or delivered, is required (ſhould there be reaſonable cauſe to ſuſpect the ſame to be ſtolen), to apprehend the parties, and carry them before a juſtice of the peace; and ſecure ſuch goods, ſtores, &c. and ſuch perſons ſo apprehended ſhall be dealt with, and ſuch goods, ſtores, or things, ſhall be depoſited and diſpoſed of as if the parties had been apprehended by the conſtable, beadle, or watchman as aforeſaid.

2 Geo. 3. c. 28.

Perſons to whom ſtores ſhall be brought, ſuſpected to have been ſtolen, ſold, pawned, &c. to apprehend the parties, and carry them before a juſtice, Sect. 9.

Every perſon deemed and adjudged guilty of any of the miſdemeanors aforeſaid ſhall forfeit, for the firſt offence, the ſum of 40s.; for the ſecond offence, the ſum of 4l.; and for every ſubſequent offence, the ſum of 4l.: all which forfeitures may be levied by diſtreſs and ſale of the goods and chattels of every ſuch offender, by warrant under the hand and ſeal of any juſtice of the peace before whom ſuch offender was convicted; one moiety to the apprehender or informer, and the other to the Trinity Houſe for the uſe of the poor decayed ſeamen and their widows. If the ſaid reſpective forfeitures ſhall not be paid, nor ſufficient diſtreſs found whereon to levy the ſame, the ſaid juſtice ſhall and may commit every ſuch offender to the common gaol or houſe of correction, without bail or mainprize, for the ſpace of one month for the firſt offence; and for the ſecond, for the ſpace of two months; and for every other offence, till diſcharged by order of the court of general or quarter ſeſſions.

Forfeitures, how to be levied, &c. Sect. 10.

If no ſufficient diſtreſs, offenders to be impriſoned.

Every conviction of any offender ſhall be certified by the juſtice or juſtices of the peace to the next quarter ſeſſions, to be filed and en-

Convictions to be certified, &c. and not to be removed by *certiorari*.

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2 Geo. 3. c. 28. tered among the records, agreeably to the form prescribed in the act; which said conviction shall be good and effectual in law to all intents and purposes, and shall not be set aside, or be adjudged void or insufficient, nor removable by *certiorari*.

Persons receiving any part of cargo belonging to ships in the river, knowing the same to be stolen, to be transported. Sect. 12.

Every person who shall buy or receive any part of the cargo or loading, or any goods, stores, &c. belonging to any ship or vessel in the said river, knowing the same to be stolen, or unlawfully come by, or shall buy or receive any such goods, or any part of such cargo or loading, by suffering any door, window or shutter, to be left open or unfastened between sun-setting and sun-rising for that purpose, or shall buy or receive the same in any clandestine manner, shall, being thereof convicted by due course of law, be transported for fourteen years to any of his majesty's colonies or plantations.

Persons cutting or damaging cordage, cables, headfasts, &c. with intent to steal the same, to be transported. Sect. 13.

If any person or persons shall cut, damage, or spoil, any cordage, cables, buoys, buoy rope, headfast, or other fast, fixed to any anchor or moorings belonging to any ship or vessel in the River Thames, or any rope used for mooring or rafting masts or timber, or aiding or assisting with an intent to steal the same, such person being convicted thereof, on the oath of two or more credible witnesses, shall be transported, with their aiders, for seven years, according to the laws now in force for the transportation of felons.

Persons stealing, unlawfully receiving, &c. any goods, &c. belonging to any ship in the river to be pardoned, upon convicting two other persons guilty of a similar offence. Sect. 14.

Any person being out of prison, concerned in stealing or unlawfully receiving any part of any cargo or lading, or of any goods, &c. from any ship or vessel in the river, who shall discover

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and convict two others of the like offence, every person so discovering shall be entitled to his majesty's pardon, which shall be likewise a bar to any appeal brought for such felony. 2 Geo. 3. c. 28.

Any person or persons who shall row or navigate, within the limits aforesaid, any such boat as is herein before directed to be entered, marked, or numbered, *not being so*, or having a false mark or number, or not having the real name or names, and places of abode, of the owner or owners of such boat inscribed thereon, or not having such names and figures kept fair and legible, shall forfeit, on conviction before a justice, 40s.; one moiety to the informer, and the other to the Trinity Company for the use of their poor: and it may be lawful for any person or persons, upon discovery of such offence, to seize and detain any such boat, tackle, &c. who shall, within the space of forty-eight hours after such seizure, give information before a justice of the peace, who shall determine thereon; and if the forfeiture be not paid within twenty-four hours, the same shall be raised by sale of such boat, with its furniture, &c.; and every justice of the peace is authorized to cause sale to be made thereof, rendering to the offenders the overplus (if any there be), after deducting the charges of detaining and selling such boat. Penalties on persons navigating boats not being entered, marked, &c. Sect. 15.

Upon complaint to the Trinity Company of any thefts, illegal practices, &c. being carried on, or suspected to be carried on, in any boat so numbered or marked, to summon the owner or owners to appear before them, or any five or more of them, at the Trinity House, and enquire into such complaint in a summary way; and in case the said complaint shall be proved to Trinity Company to enquire into illegal practices against this act. Sect. 16.



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2 Geo. 3. c. 28. their ſatisfaction, the ſaid Trinity Company (being a majority of the members then preſent) may totally aboliſh the ſaid number ſo given to the ſaid boat, and for the future refuſe to enter, as before directed, any boat of or belonging to ſuch owner or owners.

Juſtices may cauſe boats and tackle to be burned. Sect. 17.

Where a boat is forfeited, together with her tackle, &c. and no further proviſion made, it may be lawful to and for ſuch juſtice of the peace before whom the conviction is made, and they are reſpectively authorized to cauſe ſuch boat, with their tackle, &c. to be totally burnt and deſtroyed within ſix days next after ſuch conviction, by warrant under his or their hands and ſeals, directed to the conſtable or peace officer, who ſhall cauſe the ſame to be burnt and deſtroyed within the time aforeſaid.

Offenders againſt this act may be apprehended without warrant. Sect. 18.

Any perſon or perſons may apprehend an offender, by the authority of this act, without any warrant, and with all convenient ſpeed deliver him to a conſtable or peace officer, in order to be carried before a juſtice of the peace to be dealt with according to law.

Perſons obſtructing the execution of this act to be tranſported. Sect. 20.

Any perſons acting in the execution of this act, who ſhall be obſtructed therein; every perſon ſo obſtructing, and all ſuch as ſhall act in their aſſiſtance, ſhall, on conviction before the juſtices of the peace at the general or quarter ſeſſions of the county or city adjoining the ſaid river, be tranſported for ſeven years, according to the laws now in force for the tranſportation of felons.

Members of the corporation, or any inhabitants of the pariſh, town, or place, in which any offence may be committed, ſhall be admitted to give evidence, notwithſtanding their being ſuch members of the ſaid corporation, or inhabitants as aforeſaid.

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## Burning, Deſtroying, Moleſting, or Obſtructing Ships.

THE crime of burning houſes, technically denominated Arſon, is a capital felony; and as the wilfully ſetting fire to, burning, or deſtroying ſhips, where the conſequences of conflagration might be much more dreadful, and a greater number of ſubjects to the ſtate might be deſtroyed, it was but juſt that the ſame puniſhment ſhould be inflicted.—In point of value, ſhips are frequently ſuperior to houſes: and as impeding them in their repairs, or in any way obſtructing them, might be productive of conſiderable injury, an act was paſſed, not only for preventing them from being burned or deſtroyed, but alſo from being in any degree impeded or moleſted.

The ſubſequent act 33 Geo. 3. c. 67. appears to have been levelled at combinations of ſeamen, keelmen, &c. riotouſly aſſembled, and obſtructing the lading, unlading, repairing, or navigating any ſhip, veſſel, *or keel*; it alſo extends the puniſhment of the act of 1 Anne, ſt. 2. c. 9. ſ. 4. 4 Geo. 1. c. 12. and 11 Geo. 1. c. 29. to perſons *burning* and ſetting fire to *ſhips, keels, and other veſſels*, and deſtroying ſhips, *keels*, or other veſſels, otherwiſe than by fire, ſubjects the offender to the puniſhment of tranſportation; while the former offence, viz. wilfully burning or ſetting fire to veſſels, keels, &c. is a capital felony.

### Burning *and* Destroying Ships.

" FOR puniſhing Acceſſaries to Felonies, " and Receivers of Stolen Goods, and to pre- " vent the wilful burning and deſtroying of " Ships; and for the effectual preventing the 1 Anne, ſt. 2. c. 9.



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1 Anne, ſt. 2. c. 9. "wilful caſting away, burning, or otherwiſe "deſtroying, by Maſters and Mariners of "Ships under their Charge," it is enacted,

Sect 4. That any perſon who ſhall wilfully caſt away, burn, or otherwiſe deſtroy, the ſhip unto which he belongeth, or procure the ſame to be done, ſhall ſuffer death as a felon.

Offences, how to be tried. Sect. 5. The above offence, and all other offences within the juriſdiction of the admiralty, ſhall be tried in ſuch parts within the realm as ſhall be limited by commiſſion under the great ſeal, in ſuch manner and form as is directed by an act of the 28th of Henry VIII. for the trial of pirates.

4 Geo. 1. c. 12. ſ. 2. The above act being about to expire, and having been found by experience to have been of great uſe and benefit to ſea-faring men and merchants, by the act quoted in the margin, it was made perpetual, but was not to extend to

Sect. 3. the admiralty court of the cinque ports; and it was further enacted by the preſent act, for the

Puniſhment of perſons for burning or deſtroying ſhips to the prejudice of underwriters. prevention of frauds upon underwriters, "that "if any perſon belonging to a ſhip ſhould "wilfully caſt away, burn, or otherwiſe deſtroy, "the ſhip of which he is owner, or unto which "he belongeth, or in any manner of wiſe direct "or procure the ſame to be done, to the pre-"judice of any perſon or perſons that ſhall "underwrite any policy or policies of inſurance "thereon, or of any merchant who ſhall load "goods thereon, *he ſhall ſuffer death.*"

By the above ſtatute, the benefit of clergy not having been expreſsly taken away, and ſome doubts having ariſen relative to the nature of the offence provided againſt by the above ſection, and the trial and puniſhment to be had and inflicted for the ſame, it was enacted, that

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"If any perſon ſhall wilfully caſt away, burn, or otherwiſe deſtroy, the ſhip or veſſel of which he is owner, or to which he belongeth, or in anywiſe direct or procure the ſame to be done, with *intent or deſign to prejudice any perſon or perſons that hath or ſhall underwrite any policy or policies of inſurance thereon, or of any merchant or merchants that ſhall load goods thereon*, or of any owner or owners of ſuch ſhip or veſſel, the perſon or perſons offending therein, being thereof lawfully convicted, ſhall be deemed and adjudged a felon or felons, and ſhall ſuffer as in caſes of felony *without benefit of clergy*." 11 Geo. 1. c. 29. ſ. 6.

Any of the above offences of wilfully caſting away, burning, or deſtroying, any ſhips or veſſels, if committed within the body of any county, to be tried in the ſame manner, and adjudged in the ſame courts as thoſe felonies committed within the body of any county are adjudged and determined; and if any of the ſaid offences are committed upon the high ſeas, they ſhall be tried, determined, and adjudged, as directed and appointed for trying felonies committed upon the high ſeas, by the ſtatute of 28 Hen. 8. c. 15. relative to pirates. Sect. 7. How to be tried.

## MOLESTING *or* OBSTRUCTING SHIPS.

SEAMEN, keelmen, caſters, ſhip carpenters, or other perſons riotouſly aſſembled, to the number of three or more, who ſhall unlawfully, and with force, prevent, hinder, or obſtruct the loading or unloading, or the ſailing and navigating any ſhip, keel, or other veſſel, 33 Geo. 3. c. 67. Seamen, &c. riotouſly aſſembled, and forcibly preventing the loading of any veſſel, to be committed to priſon.



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33 Geo. 3. c. 67. with intent to prevent, hinder, or obſtruct the loading or unloading, or the ſailing or navigating ſuch ſhip, keel, or other veſſel, ſuch perſons being lawfully convicted of any of theſe offences ſhall be committed to the common gaol or houſe of correction, and be kept to hard labour for any term not more than twelve months, nor leſs than ſix.

Sect. 2. Perſons unlawfully preventing others from working liable to ſame puniſhment.

Perſons unlawfully, and with force, preventing, hindering, or obſtructing any ſeaman, keelman, caſter, or ſhip carpenter, from working at his lawful trade, buſineſs, or occupation, or who ſhall wilfully and maliciouſly aſſault, beat, or wound, or uſe, or commit any bodily violence or hurt to or upon any ſeaman, &c. with intent to deter, prevent, hinder, or obſtruct ſuch ſeaman, &c. from working at his lawful trade, buſineſs, or occupation reſpectively, to be committed to priſon, and kept to hard labour for twelve calendar months, and not leſs than ſix.

Sect. 3. Perſons offending a ſecond time to be guilty of felony, and tranſported for fourteen years.

Sect. 4. This act not to extend to any thing done by authority of his majeſty.

Sect. 7. Offences on the high ſeas. Offences under this act committed on the high ſeas may be tried in any ſeſſion for the trial of offences committed on the high ſeas.

Sect. 8. Limitations of proſecutions. Proſecutions to be commenced within twelve months after the offence committed.

Sect. 8. Duration of the act. This act ſhall continue in force until the twenty-fourth day of June 1800, and from thence to the end of the then next ſeſſion of parliament.

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## Canvas and Sail-Cloth.

THE intent of these acts is to encourage British manufactures, and prohibit the importation of foreign sail cloth, except under particular circumstances. Accordingly, no ships are permitted to clear out without having a complete set of sails, of British manufacture, properly stamped, under penalty of forfeiture. Foreign sails also are appointed to be stamped of a different colour, to be more easily distinguished from canvas of British manufacture.

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Masters of ships to make entry, upon oath, of all foreign made sails on board their respective ships; and before clearing inwards by the officers of the customs, where she discharges her cargo, pay the duties of 1d. per ell.

12 Anne, st. 1. c 16.
19 Geo. 2. c. 27.
Masters of ships to make entry, upon oath, of foreign made sails.

Every such foreign sail to be stamped at the port where the entry is made. Masters of ships not making such entry, or paying the duty before the ship is cleared inwards, shall forfeit the sails, and pay 50l. penalty; one half of which to the use of the king, and the other to the person who shall sue for the same.

19 Geo 2. c. 27. s. 2.
Foreign sails to be stamped, &c. Sect. 2.

Masters of ships, after making the report and entry, and before the ship is cleared inwards, unwilling to pay the duty, and delivering the sails to the officers of the customs, shall not be subject to pay the penalty of 50l.; shall only forfeit the sails.

Masters of ships not willing to pay the penalty to forfeit the sails. Sect. 3.

Masters of ships coming from the East Indies, having foreign canvas on board, are exempted from the above duty and penalty.

Ships from the East Indies not within this act. Sect. 4.

Foreign made sail cloth imported, to be stamped on landing, with stamps eight inches

Foreign sailcloth to be stamped. Sect. 5, 6.



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19 Geo. 2. c 27. diameter, dipped in red lead and oil. 50l. penalty for forging ſuch ſtamps.

Penalty on ſail-makers making up foreign ſail-cloth unſtamped. Sect. 7.

Sail-makers, or other perſons working or making up foreign ſail cloth that is not ſtamped into tarpawlings or ſails, ſuch tarpawlings, &c. to be forfeited, and ſuch ſail-makers to pay the penalty of 50l. to be levied by diſtreſs; and for want of ſuch diſtreſs to be committed for ſix months, or until payment.

How ſtamps to be placed on foreign ſail cloth. Sect. 8.

Sail-makers working up foreign canvas to put the ſtamps on the after ſide of the ſail, in ſuch a manner that the number of ſtamps in every ſail, may appear proportionably to the number of pieces contained in the ſaid ſail, under penalty of 10l. and forfeiting ſuch ſail, if made otherwiſe.

Penalty of mending foreign unſtamped canvas. Sect. 9.

Sails made of foreign canvas unſtamped not to be mended, under penalty of 20l.

New ſails, how to be ſtamped. Sect. 10.

New ſails to be ſtamped with the maker's name and place of abode, in a ſtamp eight inches diameter, dipped in lamp black and oil, on penalty of 10l. and forfeiture of ſails.

Ships to uſe ſails manufactured in Great Britain. Sect. 11.

Ships built in Britain or the Plantations, on firſt ſetting out, to be furniſhed with a complete ſet of new ſails, manufactured in Great Britain, under penalty of 50l.

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## Coaſting Trade.

OF the two acts paſſed for the better regulation and government of ſeamen employed in the coaſting trade of Great Britain, and exempting certain coaſt documents from ſtamp duties; and for aboliſhing the bond uſually called the Iſle of Man bond; namely, the acts 31 Geo. 3. c. 39. and 32 Geo. 3. c. 50. the latter only is here abſtracted: the ſections of the former act, relative to compelling maſters to enter into written agreements with ſeamen for their wages, puniſhments of ſeamen not proceeding on their voyage, abſenting themſelves, payment of wages, &c. will be detailed under the head SEAMEN in the Merchant Service.

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Goods may be carried from port to port without giving bond. 32 Geo. 3. c. 50. ſ. 1.

"From the fifth of July 1792, any perſon "whatever may convey or remove, and carry "forth to the open ſea, any goods, wares, or "merchandize, which ſhall be ſhipped or put "on board according to the directions of this "act, at any port, creek, or member of any "port, in Great Britain, to be landed or diſ- "charged at any other port or place in Great "Britain, without taking out any cocquet or "cocquets, or giving any ſecurity, by bond or "otherwiſe, for the delivery or diſcharge "thereof to ſuch port or place, ſubject never- "theleſs to the ſeveral exemptions, proviſoes, "rules, and regulations, hereinafter men- "tioned." Provided, that no goods, &c. prohibited to be exported from Great Britain to foreign parts; nor any goods, &c. liable to any duty or return of premium or bounty, or entitled

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32 Geo. 3. c. 50. to any allowance for waſte on exportation thereof, or on being carried coaſtwiſe; nor any goods, &c. warehouſed upon importation, on payment of a certain duty, and afterwards carried coaſtwiſe for the purpoſe of exportation; nor any goods, &c. liable to duty of cuſtoms on importation into, or on exportation from Great Britain, unleſs the amount of ſuch duty, or the whole of the cargo ſo to be carried coaſtwiſe, ſhall not exceed 5l.; ſhall be allowed to be removed, or carried coaſtwiſe, in any ſhip, veſſel, boat, or hoy, from any port or creek in England, Wales, or town of Berwick, until the maſter or commander thereof ſhall have taken out a cocquet, and become bound to the king for the delivery and diſcharge of ſuch goods, &c. in the like manner as was required by the law before the paſſing of this act; or to be ſhipped on board any ſhip, veſſel, boat, or hoy, for the purpoſe of being carried coaſtwiſe to any part of Great Britain, until the maſter or commander thereof ſhall have obtained a ſufferance, warrant, or permit, for ſhipping the ſame, and become bound to his majeſty in the value of the goods, &c. contained in ſuch ſufferance, warrant, or permit, or indorſement to be made thereon, as herein directed, for the due landing of the ſame; and alſo (the dangers of the ſeas excepted) for returning a certificate of their being landed from the officer of the cuſtoms of the port or creek where the ſame ſhall be landed and diſcharged, within ſix months after the date of ſuch ſufferance, warrant, or permit, to his majeſty's officers of the cuſtoms, to whom ſuch ſecurity hath been given as aforeſaid.

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All goods, &c. purſuant to this act allowed to be carried coaſtwiſe without cocquet or bond, muſt be ſhipped on board veſſels, boats, hoys, &c. Britiſh built, owned by Britiſh ſubjects, and navigated according to law, and may be carried to ſea by tranſire or let paſs only, and may be removed in like manner, the ſame being indorſed in manner hereinafter directed: provided always, that nothing in this act contained ſhall extend to require any tranſire or let paſs in any caſe where the ſhip or veſſel does not go to open ſea, or where cocquet and bond, or tranſire or let paſs, were not required by law, on and immediately before the firſt of March 1792.

Goods muſt be carried, removed, &c. in Britiſh ſhips lawfully navigated. 32 Geo. 3. c. 50. ſ. 2.

No goods, &c. laden on board at any port or creek in Scotland, by ſufferance, warrant, or permit, and without cocquet and bond, or without cocquet, ſhall be carried, conveyed, or removed out of or from any port or creek in Scotland, without ſuch ſufferance, warrant, or permit, accompanying the ſame, and a certificate of the ſhipping, officer, or officers, indorſed thereon, certifying the particulars of the goods, &c. which were ſhipped on board by virtue thereof.

Goods in Scotland muſt be accompanied by the permit. Sect. 3.

If the maſter or commander of any ſhip, veſſel, boat, or hoy, on board of which any goods ſhall be ſhipped, in order to be carried coaſtwiſe within Great Britain, ſhall proceed coaſtwiſe in England, Wales, or town of Berwick, without a cocquet, tranſire, or let paſs, or in Scotland without a ſufferance, warrant, or permit, indorſed as herein directed, in the caſes in which the ſame are reſpectively required, every ſuch maſter or commander ſhall, for every ſuch offence, forfeit 50l.

Maſters not taking out cocquets to forfeit 50l Sect. 4.



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Cocquets muſt be delivered to the proper officer, under forfeiture of the value of the goods. 32 Geo. 3. c. 50. ſ. 5.

If any goods brought into Great Britain by cocquet, tranſire, or let paſs, or into Scotland by ſufferance, warrant, or permit, indorſed as herein required, ſhall, from the fifth of July 1792, be unſhipped to be landed or put on ſhore, before ſuch cocquet, tranſire, or let paſs, or ſuch ſufferance, warrant, or permit, indorſed as aforeſaid reſpectively, ſhall be delivered to the cuſtomer or collector, or comptroller, for the landing or diſcharging thereof, the maſter of ſuch veſſel, hoy, &c. ſhall forfeit the value of ſuch goods, &c.; or if any goods of foreign growth, production, or manufacture, ſhall, on coming coaſtwiſe, be landed without the preſence of an officer of the cuſtoms, all ſuch goods, &c. or the value thereof, ſhall be forfeited.

Penalty for counterfeiting, erafing, or altering cocquets, &c. Sect. 6.

Perſons counterfeiting cocquets, or erafing or falſifying any ſufferance, warrant, cocquet, tranſire, let paſs, certificate, or permit, or any other cuſtom-houſe warrant, document, or inſtrument, or any indorſement thereon, by this act required, ſhall forfeit 200l. and ſuch ſufferance, &c. ſhall be reſpectively null and void.

Goods not agreeing with cocquet, &c. and exceeding the quantity therein expreſſed, to be forfeited. Sect. 7.

If after the ſhipping of any goods, &c. to be carried coaſtwiſe, and after the goods ſhall have been ſhipped, and the cocquet, tranſire, let paſs, &c. ſhall have been delivered to the maſter, it ſhall be found by any officer, on examination thereof, that the goods, &c. ſhipped on board ſhall exceed in quantity the particulars of the goods, &c. expreſſed in the cocquet, &c. or other coaſt document, or on the indorſement to be made upon any ſufferance, warrant, or permit, all ſuch goods, &c. as ſhall exceed the quantity ſo authorized to be carried coaſtwiſe, ſhall be forfeited and loſt.

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If it appears to the commiſſioners of the cuſtoms, that ſuch exceſs has ariſen by miſtake, and without intention of fraud, the commiſſioners may waive the forfeiture without any reward or ſatisfaction to the ſeizing officer.

Miſtakes may be rectified. 32 Geo. 3. c. 50. ſ. 8.

No officer of the cuſtoms to ſuffer any ſhip, veſſel, &c. to clear out coaſtwiſe from any port or place whatever in Great Britain, until the maſter or commander thereof ſhall give ſecurity to his majeſty in the penalty of 100l. with condition that ſuch maſter or commander will not, at any time thereafter, land, or cauſe to be landed, any goods in any part of this kingdom, in any manner which is or ſhall be prohibited by law, or take the ſame on board in order to their being ſo landed, nor be any ways concerned, or aiding or aſſiſting in fraudulently importing, unſhipping, or landing the ſame; and will not hinder, moleſt, or oppoſe any of his majeſty's officers of the cuſtoms or exciſe, or any other perſon or perſons aſſiſting them, or either of them, in the due execution of their reſpective offices or employments; and no ſuch bond ſhall be charged with any ſtamp duties, nor ſhall any fee, gratuity, or perquiſite be paid or taken, or any charge made by any perſon or perſons whatever for or on account of ſuch bond.

Maſters of ſhips to give ſecurity that goods ſhall not be relanded within the kingdom in manner prohibited by law. Sect. 9.

The tenth and eleventh ſections direct how forfeitures and penalties incurred by maſters carrying goods coaſtwiſe are to be ſued for and applied; and exempt bonds for diſcharging goods carried coaſtwiſe from payment of the ſtamp duties. The laſt ſection repeals ſo much of the acts of 5 Geo. 3. c. 39. and 26 Geo. 3. c. 40. as require the Iſle of Man bond to be given.



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## Convoys.

In conſequence of the enemy's navy being crippled and almoſt annihilated, they could only commit depredations by their ſloops and privateers upon thoſe veſſels which the ſpirit of adventure might tempt to ſail from our ports unprotected, the attention of the legiſlature was neceſſarily called forth to counteract the deſigns of the enemy, and to afford better ſecurity and protection to our commerce — Mr. Roſe accordingly, judiciouſly blending the intereſt and ſecurity of commerce with the increaſe of the revenue, brought in an act for the better protection of the trade of this kingdom, and granting new and additional duties of cuſtoms on goods imported and exported, and on the tonnage of certain ſhips entering outwards or inwards, to or from foreign parts, until the ſigning preliminary articles of peace.

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## CONVOYS.

The act, commonly called the Convoy Act, 38 Geo. 3. c. 76. is founded upon the faireſt principles of equity and reciprocity. The commercial property of this country having been long protected by his majeſty's ſhips of war, and the merchants having, in conſequence of ſuch protection, accumulated their wealth, it was but juſt, more particularly as the commerce of this country had increaſed in a moſt unparalleled degree, that ſuch protection and ſecurity ſhould be paid for, by a duty upon the exports and imports.

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By a clauſe of a preceding act, it was enacted, that if the captain of any merchant ſhip under convoy ſhall wilfully diſobey ſignals or inſtructions, or any other lawful commands of the commander of the convoy, or ſhall deſert the convoy without notice given and leave obtained for that purpoſe, he ſhall be liable to be articled againſt in the high court of admiralty at the ſuit of the crown, for diſobedience to the orders of the convoy, and upon conviction thereof ſhall be fined, at the diſcretion of the ſaid court, in any ſum not exceeding 500l. and ſhall ſuffer ſuch impriſonment, not exceeding one year, as the ſaid court ſhall adjudge. 33 Geo. 3. c. 66. ſ. 8.

From and after the fifth of July 1798, it ſhall not be lawful for any ſhip or veſſel belonging to any of his majeſty's ſubjects to ſail or depart from any port or place whatever, unleſs under the convoy of ſuch ſhips as ſhall be appointed for that purpoſe. From the 5th of July 1798, no ſhip to ſail without convoy. 38 Geo. 3. c. 76. ſ. 1.

Maſters of veſſels under convoy ſhall uſe their utmoſt endeavours to continue with ſuch convoy, and ſhall not wilfully ſeparate or depart therefrom upon any pretence whatever, without order or leave for that purpoſe from the officer having command of ſuch convoy. Maſters of veſſels not to ſeparate from convoy without leave. Sect. 2.

If any maſter of a veſſel ſhall ſail or depart without ſuch convoy as ſhall be appointed for that purpoſe, or ſhall afterwards deſert or wilfully ſeparate from ſuch convoy without leave obtained from the officer entruſted with the charge of ſuch convoy, before ſuch veſſel ſhall have arrived at her place of deſtination, or ſo far on her voyage as ſuch convoy ſhall be directed to accompany and protect ſuch veſſel, he ſhall forfeit for every offence the ſum of 1000l.; and If a maſter ſails without convoy, or ſeparate from it without leave, he ſhall forfeit 1000l.; and if the cargo be naval or military ſtores, 1500l. Sect. 3.

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38 Geo. 3. c 76. in caſe the whole, or any part of the cargo of any ſuch veſſel, ſhall conſiſt of naval or military ſtores, ſuch maſter of a veſſel ſo loaden, who ſhall depart without ſuch convoy, or ſhall afterwards deſert or wilfully ſeparate or depart from ſuch convoy, without leave obtained as aforeſaid, ſhall forfeit for every ſuch offence the ſum of 1500l.

Penalty may be mitigated.

The Court out of which the record for the trial of ſuch action for the recovery of ſuch penalty ſhall iſſue, may mitigate the ſame as the ſaid court in their diſcretion ſhall think fit, having regard to the circumſtances of the caſe and the value of the ſhip and cargo, ſo as by ſuch mitigation the penalty be not leſs than 50l.

Veſſels ſailing without convoy, or ſeparating from it without leave, inſurance to be void with reſpect to the property of the maſter or perſon privy to the offence. Sect. 4.

Ships ſailing without convoy, or ſeparating without leave, the inſurances with reſpect to the property of the maſter or any perſon privy to the offence ſhall be void, and nothing ſhall be recovered thereon for loſs or damage by the aſſured; and if any perſon ſhall negotiate or tranſact any ſettlement upon ſuch inſurance, or pay or allow on account, or agree to pay or allow in account or otherwiſe, any ſum of money upon any loſs, peril, or contingency relative to ſuch inſurance, every ſuch perſon ſhall forfeit the ſum of 200l.

Officers of the cuſtoms not to permit veſſels to be cleared outwards until the maſter has given bond not to ſail without convoy, and not to ſeparate from it. Sect. 5.

Officers of the cuſtoms not to permit any veſſel by this act required not to ſail without convoy, to be cleared outwards from any port in Great Britain to foreign parts, until the maſter, or other perſon having charge or command of ſuch veſſel, ſhall have given bond to his majeſty, with one ſufficient ſurety, in the penalty of ſuch value of ſuch veſſel, which bond

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shall be taken by the collector or other principal officer of the customs at such port, with condition that such ship or vessel shall not depart without convoy, nor wilfully separate from such convoy without leave obtained of the officer having charge of such convoy. 38 Geo. 3. c. 76.

Nothing in this act contained shall extend to any ship or vessel which is not required to be registered, by any act or acts of parliament in force, on or immediately before the passing of this act, nor to any ship or vessel for which a licence shall be granted by the admiralty to sail without convoy; or to any ships proceeding with due diligence to join convoy, from the port or place at which the same shall be cleared outwards, in case such convoy shall be appointed to sail from some other port or place (except nevertheless as to the bond required to be taken upon the clearance outwards of such ship or vessel; or to any vessel bound to or from any port or place within the kingdom of Ireland; or to any vessel bound from any port or place to any other port or place within the kingdom of Great Britain to any other port or place within the same; or to any ship or vessel belonging to, or hired by, or in the service or employ of the Company of Merchants of England trading to the East Indies or the Hudson's Bay Company.) Vessels exempt from the operation of this act. Sect. 6.

No fees to be demanded or received for granting any licence in pursuance of this act. No fee to be taken for licence. Sect. 7.

Act not to extend to ships or vessels departing without convoy from any foreign port, in case there shall be no convoy appointed for such ships or vessels, nor any person resident at such foreign place duly authorised to appoint convoys for such ships or vessels, or to grant Act not to extend to vessels sailing from foreign ports, if no convoy appointed. Sect. 8.



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38 Geo. 3 c 76. licences to such ships or vessels to sail without convoy.

Admiralty to give notice in the Gazette that masters shall have on board flags to answer signals, without which they shall not be cleared outwards. Sect. 9.

Admiralty to give notice, that all masters, or persons having charge of such vessels as are required not to depart without convoy, shall have on board their respective ships such flags, vanes, or other materials, as shall be necessary for distinguishing such ships, and to enable the masters of such ships, to answer the signals made by the officer of his majesty's navy entrusted with such convoy; such flags, vanes, and other materials, to be provided by such masters and other persons, having the charge of any ships or vessels which are required by this act not to sail without convoy; which notice shall be inserted in the London Gazette, and transmitted to the commissioners of the customs in England and Scotland; to be by them sent to the principal officers of the customs at the several ports for the information of the persons concerned; and no such ship or vessel shall be permitted to be cleared outwards until it shall appear, to the satisfaction of the proper officer of the customs, that the ship is provided with such flags, vanes, or other materials.

So much of 33 Geo. 3 c. 66. as makes captains under convoy liable to be articled in the court of admiralty for disobeying signals, &c. shall be affixed on every vessel required to sail with convoy, on penalty of 50l. Sect. 10.

So much of the act of the 33d of his present majesty, intituled, "An Act for the Encouragement of Seamen, and for the better and more effectually Manning his Majesty's Navy," as enacts, "That if the captain of any merchant ship under convoy shall wilfully disobey signals or instructions, or shall desert the convoy without notice given, or leave obtained for that purpose, he shall be liable to be articled against in the high court of admiralty, at the suit of the crown, for disobedience to the orders of the convoy, and



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" upon conviction thereof ſhall be fined, at the " diſcretion of the ſaid court, in any ſum not " exceeding 500l. and ſhall ſuffer ſuch impri- " ſonment, not exceeding one year, as the ſaid " court ſhall adjudge," ſhall be painted upon a board, and affixed on ſome conſpicuous and convenient part of every ſhip or veſſel which by this act is required not to ſail or depart without convoy; and in default thereof, every perſon ſo offending ſhall forfeit, for every ſuch offence, the ſum of 50l. 38 Geo. 3. c. 76.

If any ſhip or veſſel, required by this act not to ſail without convoy, ſhall be in imminent danger of being boarded or taken poſſeſſion of by the enemy, the maſter, or other perſon having charge of ſuch ſhip, ſhall make ſignals, by firing guns or otherwiſe, to convey information of his danger to the reſt of the convoy, as well as to the ſhips of war under whoſe protection he is ſailing; and in caſe of ſuch ſhip being boarded or taken poſſeſſion of, he ſhall deſtroy all inſtructions confided to him relating to the convoy. Maſters of ſhips in danger of being taken by the enemy to make ſignals and deſtroy inſtructions, under penalty of 100l. Sect. 11.

Neglecting to make ſuch ſignals, and to deſtroy ſuch inſtructions, incurs a forfeiture, for every offence, of 100l.

One moiety of the penalties and forfeitures under this act (if ſued for within the ſpace of one year from the time that ſuch penalty or forfeiture ſhall have been incurred) to be to his majeſty, and the other, with full coſts of ſuit, to ſuch perſons as ſhall inform or ſue for the ſame within the ſpace of one year; and in default of proſecution within the time before limited, no ſuch penalty ſhall be afterwards recoverable, except in the name of his majeſty's attorney general in England, or advocate in Recovery and application of penalties. Sect. 13.



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38 Geo. 3. c. 76. Scotland; in which caſe the whole of ſuch penalties ſhall belong to his majeſty, and ſhall be paid into the hands of the receiver-general of the cuſtoms, and be applied in the ſame manner, and to the ſame purpoſes, as the duty of tonnage upon ſhips impoſed by this act is appropriated and applied.

The attorney-general in England, and advocate in Scotland, may ſtay proceedings on proſecutions. Sect. 14.

The attorney-general in England, or advocate in Scotland, in caſe it ſhall appear to their ſatisfaction reſpectively that ſuch penalty or forfeiture was incurred without any intention of fraud, may ſtop all further proceedings on every ſuch proſecution, as well with reſpect to the ſhare of ſuch penalty or forfeiture to which any perſon ſuing may claim to be entitled, as to the ſhare belonging to his majeſty, upon ſuch terms, as to coſts or otherwiſe, as ſuch attorney-general or advocate ſhall think reaſonable.

Duration of the act. Sect. 40.

Until the ſigning the preliminary articles of peace *.

* For the remaining ſections of this act, ſee CUSTOMS, TONNAGE.

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## Cordage.

SUNDRY perſons uſing the trade of making cables, halſers, and other kinds of cordage, having, for private gain, uſed old and worn out cables, halſers, &c. which were fraudulently ſold as new, good, and ſtrong, and as if made of new and perfect ſtuff, by being tarred over before they were expoſed to ſale, and the rottenneſs of the materials by this deception concealed, in conſequence of which many veſſels had been caſt away, and many lives loſt, to avoid ſuch inconveniences and dangers as might hereafter enſue, an act was paſſed, intituled,

"An Act for the avoiding of Deceit uſed in "making and ſelling of twice laid Cordage; "and for the better preſerving the Navy of "this Realm." 35 Eliz. c. 8.

Perſons making, or cauſing to be made, any cables of any old and over-worn ſtuff, which ſhall contain above ſeven inches in compaſs, every perſon ſo offending ſhall forfeit four times the value of every ſuch cable ſo made; and any perſons tarring, or cauſing to be tarred, any halſers or other cordage, made of ſuch old and over-worn ſtuff of a leſſer ſize, not containing in compaſs ſeven inches, who ſhall ſell, or cauſe to be ſold, ſuch cable, halſer, or other cordage, ſhall forfeit the treble value of every cable, halſer, and other cordage, ſo made and tarred: one moiety of ſuch forfeiture to the crown, and the other to the informer. Penalty for tarring cables, cordage, &c. Sect. 2.



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35 Eliz. c. 8. f. 3. All perſons offending againſt the tenor of this act to be impriſoned during his majeſty's pleaſure.

6 Geo. 3. c. 45. This act is entitled an act for allowing a bounty on the exportation of Britiſh made cordage, and diſcontinuing the drawbacks upon foreign rough hemp imported.

Bounties. Sect. 1. Bounty of 2s. 4½d. allowed upon every hundred weight of Britiſh cordage exported as merchandize to foreign parts. The exporter to give bond as ſecurity, with condition to bring in a certificate in diſcharge thereof within ſix months, if ſuch goods ſhall be entered for or landed in Ireland, Guernſey, Jerſey, Alderney, or Sark, and within eighteen months if entered for or landed in any of the plantations in Africa or America, and within thirty months if entered for or landed in any port or place at or beyond the Cape of Good Hope.

Officer may open and examine goods. Sect. 2. Officers of the cuſtoms may open and examine the goods; and if the ſame ſhall be found right entered, they ſhall be repacked at the charge of the officer; which charge ſhall be reallowed, if reaſonable, by the commiſſioners of the cuſtoms.

*Onus probandi* on exporter. If any diſpute ſhall ariſe relative to the goods being actually of Britiſh manufacture, the *onus probandi* to be upon the exporter, claimer, or owner, and not on the officer.

Cordage landed without licence, unleſs in caſe of diſtreſs, or to ſave the goods from periſhing, to forfeit treble value.

Bounties to be paid out of the duties upon hemp imported.

Sect. 6. Nothing in this act to extend the bounties to cordage remanufactured from old ca-

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bles, ropes, or cordage, commonly called *twice laved cordage.* 6 Geo. 3. c. 45.

Drawbacks upon foreign hemp exported are repealed.

Penalties, one moiety to the king, and the other to ſuch officers of the cuſtoms as ſhall proſecute for the ſame.

By the firſt ſection of this act, the 6 Geo. 3. c. 45. is revived and continued.

No bounty to be paid if made from American hemp, nor for leſs quantity than three tons weight. 26 Geo. 3. c. 85. ſ. 2.

No bounty on exportation to the Iſle of Man. Sect. 4.

No entry to be made without certificate of refuſal from the Navy Board. Sect. 5.

The above act, which has been continued by various acts, was ſtill further continued by 36 Geo. 3. c. 108.



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## Courts Martial.

Not more than two years imprisonment. 22 Geo. 2. c. 33. s. 3.

NO perſon convicted of any offence ſhall, by the ſentence of any court martial, be adjudged to be impriſoned for a longer term than the ſpace of two years.

Juriſdiction of a court martial. Sect. 4.

Nothing contained in the articles of war ſhall extend, or be conſtrued to extend, to empower any court martial, to be conſtituted by virtue of this act, to proceed to the puniſhment or trial of any of the offences ſpecified in the ſeveral articles (other than the offences ſpecified in the fifth, thirty-fourth, and thirty-fifth articles and orders) which ſhall not be committed upon the main ſea, or in great rivers only, beneath the bridges of the ſaid rivers, nigh to the ſea, or in the haven, river, or creek, within the juriſdiction of the admiralty, and which ſhall not be committed by ſuch perſons as, at the time of the offence committed, ſhall be in actual ſervice and full pay in the fleet or ſhips of war of his majeſty, his heirs or ſucceſſors, ſuch perſons only excepted, and for ſuch offences only, as are deſcribed in the fifth article of war.

No land officer or ſoldier to be tried. Sect. 5.

Nothing in this act contained ſhall extend, or be conſtrued to extend, to empower any court martial to proceed to the puniſhment or trial, of any land officer or ſoldier on board any tranſport ſhip, for any offences ſpecified in the

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ſeveral articles of this act. The lord high admiral of Great Britain, or the commiſſioners for executing the office of lord high admiral of Great Britain for the time being, ſhall have full power and authority to grant commiſſions, to any officer commanding in chief any fleet or ſquadron of ſhips of war, to call and aſſemble courts martial, conſiſting of commanders and captains; and that in caſe any officer commanding in chief any fleet or ſquadron of ſhips of war (who ſhall be authorized by the lord high admiral, or the commiſſioners for executing the office of lord high admiral for the time being, to call and aſſemble courts martial in foreign parts) ſhall happen to die, or be recalled, or removed from his command, then the officer upon whom the command of the ſaid fleet or ſquadron ſhall devolve, and ſo from time to time the officer who ſhall have the command of the ſaid fleet or ſquadron, ſhall have the ſame power to call and aſſemble courts martial as the firſt commander in chief of the ſaid fleet or ſquadron was inveſted with.

22 Geo. 2. c. 33. Commiſſions to be granted to aſſemble courts martial.

To devolve in foreign parts with the command of a fleet or ſquadron.

No commander in chief of any fleet or ſquadron of his majeſty's ſhips, or detachment thereof, conſiſting of more than five ſhips, ſhall preſide at any court martial in foreign parts; but that the officer next in command to ſuch officer commanding in chief ſhall hold ſuch court martial, and preſide thereat; any law, cuſtom, or uſage, to the contrary notwithſtanding.

No commander in chief in foreign parts to preſide at a court martial. Sect. 7.

In caſe any commander in chief of any fleet or ſquadron of his majeſty's ſhips or veſſels of war in foreign parts ſhall detach any part of ſuch fleet or ſquadron, every commander in chief ſhall, and is hereby authorized and re-

Commanders of detachments to be empowered to hold courts martial. Sect. 8.

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22 Geo. 2. c. 33. quired, by writing under his hand, to empower the chief commander of the ſquadron or detachment ſo ordered on ſuch ſeparate ſervice (and in caſe of his death or removal, the officer to whom the command of ſuch ſeparate ſquadron or detachment ſhall belong) to hold courts martial, during the time of ſuch ſeparate ſervice, or until the commander of the ſaid detachment for the time being, ſhall return to his commander in chief, or ſhall come under the command of any other his ſuperior officer, or return to Great Britain or Ireland.

Five ſhips meeting, ſenior officer may hold courts martial, and preſide. Sect. 9.

If any five or more of his majeſty's ſhips or veſſels of war ſhall happen to meet together in foreign parts, then, and in ſuch caſe, it ſhall be lawful for the ſenior officer of the ſaid ſhips or veſſels to hold courts martial, and preſide thereat, from time to time, as there ſhall be occaſion, during ſo long time as the ſaid ſhips or veſſels of war, or any five or more of them, ſhall continue together.

If a material objection to the ſecond officer in command, the third may be appointed to hold courts martial. Sect. 10.

That when any material objection occurs, which may render it improper for the perſon who is next in command to the ſenior officer, or commander in chief, of any fleet or ſquadron of his majeſty's ſhips of war in foreign parts to hold courts martial, or preſide thereat, in ſuch caſe it ſhall be lawful for the lord high admiral, or commiſſioners for executing the office of lord high admiral, for the time being, as alſo the commander in chief of any ſuch fleet or ſquadron of his majeſty's ſhips in foreign parts, reſpectively to appoint the third officer in command to preſide at or hold ſuch court martial.

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In Great Britain or Ireland, the admiralty may appoint the firſt, ſecond, or third officer in command in any port to hold courts martial. 22 Geo. 2. c. 33. ſ. 11.

It ſhall be lawful for the lord high admiral of Great Britain, or the commiſſioners for executing the office of lord high admiral for the time being, and they are hereby reſpectively authorized from time to time, as there ſhall be occaſion, to direct any flag officer, or captain of any of his majeſty's ſhips of war, who ſhall be in any port of Great Britain or Ireland, to hold courts martial in any ſuch ports, provided ſuch flag officer or captain be the firſt, ſecond, or third in command in ſuch port, as ſhall be found moſt expedient, and for the good of his majeſty's ſervice; and ſuch flag officer or captain, ſo directed to hold courts martial, ſhall preſide at ſuch court martial, any thing herein contained to the contrary notwithſtanding.

Court martial not to conſiſt of more than thirteen, or leſs than five, next to the officer in ſeniority preſiding. Sect. 12.

No courts martial to be held or appointed by virtue of this preſent act ſhall conſiſt of more than thirteen, or of leſs than five perſons, to be compoſed of ſuch flag officers, captains, or commanders, then and there preſent, as are next in ſeniority to the officer who preſides at the court martial.

Particular number not to be aſcertained by the admiralty or officer empowered to order or hold courts martial. Sect. 13.

Nothing herein contained ſhall extend, or be conſtrued to extend, to authorize and empower the lord high admiral, or the commiſſioners for executing the office of lord high admiral, or any officer empowered to hold courts martial, to direct or aſcertain the particular number of perſons of which any court martial, to be held or appointed by virtue of this preſent act, ſhall conſiſt.

In what caſes commanders may aſſiſt. Sect. 14.

In caſe any court martial be appointed to be held at any place where there are no leſs than three, nor yet ſo many as five officers, of the degree and denomination of a poſt captain, or

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22 Geo. 2. c. 33. of a ſuperior rank, to be found, then it ſhall be lawful for the officer, at the place appointed for holding ſuch court martial, who is to preſide at the ſame, to call to his aſſiſtance as many of the commanders of his majeſty's veſſels, under the rank and degree of a poſt captain, as, together with the poſt captains then and there preſent, will make up the number of five, to hold ſuch court martial.

No member to go on ſhore before ſentence be given. Sect. 15.

No member of any court martial, after the trial is begun, ſhall go on ſhore till ſentence be given, but remain on board the ſhip in which the court ſhall firſt aſſemble, except in caſe of ſickneſs, to be judged of by the court, upon pain of being caſhiered from his majeſty's ſervice; nor ſhall the proceedings of the ſaid court be delayed by the abſence of any of its members, provided a ſuffieient number doth remain to compoſe the ſaid court, which ſhall and is hereby required to ſit from day to day (Sundays always excepted) until the ſentence ge given *.

Form of oath to be adminiſtered to the members Sect. 16.

Upon all trials of offenders by any court martial, all the officers preſent who are to conſtitute the ſaid court martial, before they pro-

* It having been found by experience, that the confining members of courts martial to the ſhip in which ſuch courts martial were ordered to be aſſembled until ſentence was given, had been attended with great inconvenience and prejudice to the health of officers ſummoned to attend as members—By 19 Geo. 3. c. 17. ſect. 1, 2. this clauſe of the act is *repealed and made void to all intents and purpoſes*: provided always, that the proceedings of any court martial ſhall not be delayed by the abſence of any of its members when a ſufficient number doth remain to compoſe ſuch court, which is required to ſit from day to day (Sundays always excepted) until the ſentence be given. And no member of the ſaid court martial ſhall abſent himſelf from the ſaid court during the whole courſe of the trial, upon pain of being caſhiered from his majeſty's ſervice, except in caſe of ſickneſs, or other extraordinary and indiſpenſable occaſion, to be judged by the ſaid court.

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ceed to ſuch trial, take ſuch oath as is herein after mentioned, upon the Holy Evangeliſts, before the court; which oath the judge advocate, or his deputy, or the perſon appointed to officiate as ſuch, is hereby authorized and required to adminiſter in the words following (that is to ſay): 22 Geo. 2. c. 33.

*I*, A. B. *do ſwear, that I will duly adminiſter juſtice according to the articles and orders eſtabliſhed by an act paſſed in the twenty-ſecond year of the reign of his majeſty King George the Second, for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his majeſty's ſhips, veſſels, and forces by ſea, without partiality, favour, or affection; and if any caſe ſhall ariſe which is not particularly mentioned in the ſaid articles and orders, I will duly adminiſter juſtice according to my conſcience, the beſt of my underſtanding, and the cuſtom of the navy in like caſes; and I do further ſwear, that I will not upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of this court martial, unleſs thereunto required by act of parliament.*

So help me God.

Oath to be adminiſtered to the judge advocate.

As ſoon as the oath ſhall have been adminiſtered to the reſpective members, the preſident of the court of hereby authorized and required to adminiſter to the judge advocate, or the perſon officiating as ſuch, an oath in the following words:

*I*, A. B. *do ſwear, that I will not upon any account, at any time whatſoever, diſcloſe or*



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22 Geo. 2. c. 33. *discover the vote or opinion of any particular member of this court martial, unless thereunto required by act of parliament.*

So help me God.

Court may punish persons refusing to give evidence, or prevaricating, or behaving with contempt.

In case any person in the fleet, being called upon to give evidence at any court martial, shall refuse to give evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court martial to punish every such offender by imprisonment, at the discretion of the court, such imprisonment not to continue longer than three months in case of such refusal or prevarication, nor longer than one month in the case of such contempt; and that all and every person and persons who shall commit any wilful perjury, in any evidence or examination upon oath at any such court martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted in his majesty's court of king's bench, by indictment or information; and every issue joined in any such indictment or information shall be tried by good and lawful men of the county of Middlesex, or such other county as the said court of king's bench shall direct; and all and every person and persons, being lawfully convicted upon any such indictment or information, shall be punished with such pains and penalties as are inflicted for the like offences respectively by two acts of parliament, the one made in the fifth year of the reign of Queen Elizabeth, intituled, *An Act for Punishment of such Persons as shall procure or commit any wilful Perjury*; and the other made in the second year of the reign of his present majesty, intituled, *An Act for the preventing and*

Witnesses committing perjury, how to be prosecuted.

5 Eliz. c. 9.

2 Geo. 2. c. 25.

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*further Punishment of Forgery, Perjury, and Subornation of Perjury; and to make it Felony to steal Bonds, Notes, or other Securities for Payment of Money.* 11 Geo. 2 c. 33.

And be it further enacted, by the authority aforesaid, that in every information or indictment to be prosecuted by virtue of this act for any such offence, it shall be sufficient to set forth the offence charged upon the defendant, without setting forth the commission or authority for holding the court martial, and without setting forth the particular matter tried, or directed or intended to be tried before such court. Sect. 18.

No sentence of death given by any court martial held within the narrow seas (except in cases of mutiny) shall be put in execution till after the report of the proceeding of the said court shall have been made to the lord high admiral, or the commissioners for executing the office of lord high admiral, and his or their directions shall have been given therein; and if the said court shall have been held beyond the narrow seas, then such sentence of death shall not be carried into execution but by order of the commander of the fleet or squadron wherein sentence was passed; and in cases where sentence of death shall be passed in any squadron detached from any other fleet or squadron upon a separate service, then such sentence of death (except in cases of mutiny) shall not be put in execution but by order of the commander of the fleet or squadron from which such detachment shall have been made, or of the lord high admiral, or commissioners for executing the office of lord high admiral; and in cases where sentence of death

Sentences of death (except in cases of mutiny) not to be executed without directions from the admiralty. Sect. 19.

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22 Geo. 2. c. 33. shall be passed in any court martial held by the senior officer of five or more of his majesty's ships which shall happen to meet together in foreign parts, pursuant to the power hereinbefore given, then such sentence of death (except in cases of mutiny) shall not be carried into execution but by order of the lord high admiral, or commissioners for executing the office of lord high admiral.

Judge advocate to administer oaths to witnesses. Sect. 20.

The judge advocate for the time being of any fleet, or his deputy, shall have full power and authority, and is hereby required, to administer an oath to any witness at any trial by court martial; and in the absence of the judge advocate and his deputy, the court martial shall have full power and authority to appoint any person to execute the office of judge advocate.

This act to be in force with regard to crews of ships lost. Sect. 21.

All the powers given by the several articles and orders established by this act shall remain and be in full force with respect to the crews of such of his majesty's ships as shall be wrecked, or be otherwise lost or destroyed; and all the command, power, and authority, given to the officers of the said ship or ships shall remain and be in full force as effectually as if such ship or ships to which they did belong were not so wrecked, lost, or destroyed, until they shall be regularly discharged from his majesty's further service, or removed into some other of his majesty's ships of war, or until a court martial shall be held, pursuant to the custom of the navy in such cases, to enquire into the causes of the loss of the said ship or ships; and if upon such enquiry it shall appear, by the sentence of the court martial, that all or any of the officers or seamen of the said ship or

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ſhips did their utmoſt to preſerve, get off, or recover the ſaid ſhip or ſhips, and ſince the loſs thereof have behaved themſelves obediently to their ſuperior officers, according to the diſcipline of the navy, and the ſaid articles and orders herein-before eſtabliſhed, then all the pay and wages of the ſaid officers and ſeamen, or of ſuch of them as ſhall have done their duty as aforeſaid, ſhall continue and go on, and be paid to the time of their diſcharge or death; or if they ſhall be then alive, to the time of the holding of ſuch court martial, or removal into ſome other of his majeſty's ſhips of war; and every ſuch officer and ſeaman of any of his majeſty's ſhips of war, who, after the wreck or loſs of his ſhip, ſhall act contrary to the diſcipline of the navy, and the ſeveral articles and orders herein before eſtabliſhed, or any of them, ſhall be ſentenced by the ſaid court martial, and puniſhed as if the ſhip to which he did belong was not ſo wrecked, loſt, or deſtroyed. 22 Geo. 2. c. 33.

All the pay and wages of ſuch officers and ſeamen of any of his majeſty's ſhips as are taken by the enemy, and upon enquiry at a court martial ſhall appear, by the ſentence of the ſaid court, to have done their utmoſt to defend the ſaid ſhip or ſhips, and ſince the taking thereof to have behaved themſelves obediently to their ſuperior officers, according to the diſcipline of the navy, and the ſaid articles and orders herein-before eſtabliſhed, ſhall continue and go on, and be paid, from the time of their being ſo taken to the time of the holding of ſuch court martial, or until they ſhall be regularly diſcharged from his majeſty's ſervice, or removed into ſome other of his majeſty's ſhips of war, or (if they ſhall die in captivity, or not

Continuance of wages to men belonging to ſhips taken by an enemy. Sect. 22.



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22 Geo. 2. c. 33. live to the time of the holding of such court martial) to the time of their death, in such manner, and not otherwise, as if the said ship or ships to which they did belong respectively was not, or were not, so taken.

Persons not to be tried after a certain time. Sect. 23.

No person or persons not flying from justice shall be tried or punished by any court martial for any offence committed against this act, unless the complaint of such offence be made in writing to the lord high admiral, or to the commissioners for executing the office of lord high admiral for the time being, or any commander in chief of his majesty's squadrons or ships empowered to hold courts martial, or unless a court martial to try such offender shall be ordered by the said lord high admiral, or the said commissioners, or the said commander in chief, either within three years after such offence shall be committed, or within one year after the return of the ship or of the squadron to which such offender shall belong, into any ports of Great Britain or Ireland, or within one year after the return of such offender into Great Britain or Ireland.

Extended to officers and seamen serving in the lakes, &c. in *North America*.

By the 29 Geo. 2. c. 27. all the articles, orders, powers, authorities, clauses, matters, and things, contained in the above act of 22 Geo. 2. c. 33. shall be deemed to be in full force, and shall be observed and executed for the trial and punishment of all offences specified therein, which shall be committed by any officers, seamen, or other persons respectively, who shall serve on board of any of his majesty's ships or vessels employed in or upon such lakes, great waters, or rivers, in *North America*, as fully and effectually, to all intents and purposes, as if the same had been committed upon



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the main ſea, or in great rivers, beneath the firſt bridges of the ſaid rivers nigh to the ſea, or in any haven, river, or creek, within the juriſdiction of the admiralty of Great Britain.

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AS the *Forms of Proceeding at Naval Courts Martial from the Arreſt to the Execution* may be intereſting to our readers, we have made copious extracts from M'Arthur's Treatiſe, the only book of authority publiſhed on the ſubject.

PREVIOUS to any complaint or accuſation by the commanding officer of the ſhip, it is ſuppoſed, that the offender is under arreſt, or in cuſtody. The particular facts charged, and in what manner committed, with the time and place, are directed to be ſpecified in all complaints for bringing offenders to trial by court martial, upon ſimilar principles as is directed by courts of law in all indictments. The *time* may be very material, where there is any limitation in point of *time* aſſigned for the proſecution of offenders, as is the caſe in courts martial by 22 Geo. 2. c. 33. ſ. 23. which enacts, That no perſon not flying from juſtice ſhall be tried or puniſhed by any court martial for any offence, unleſs the complaint of ſuch offence be made in writing, or unleſs a court martial to try ſuch offender ſhall be ordered within three years after the offence ſhall be committed, or within one year after the return of the ſhip into any of the ports of Great Britain or Ireland.

M'Arthur on Naval Courts Martial, p. 94, 95, 96, to 163.



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M'Arthur on Naval Courts Martial.

The *place* is neceſſary to be named, in order to aſcertain that the crime was committed within the juriſdiction of the court.

Bl. Com. vol. iv. p. 306.

The offence itſelf ought to be ſet forth with clearneſs and certainty; and the ſame rule ſhould be obſerved in complaints or accuſations againſt offenders as is practiſed in courts of law in indictments, where, in ſome crimes, particular words of art muſt be uſed, which are ſo appropriated by the law to expreſs the preciſe idea which it entertains of the offence, that no other words, however ſynonymous they may ſeem, are capable of doing. Thus in caſes of *mutiny*, the facts muſt be ſaid to be done "in a "*mutinous* or *ſeditious* manner." If an accuſation of murder, it is neceſſary to ſay, that the party accuſed "*murdered*, not killed." If with an intent to murder, it is neceſſary to ſay, "did in a *wilful* and *malicious* manner," &c. And in all other offences, it is a rule to adhere to the words appropriated to them in the act of parliament, or different articles of war, under which they fall.

In Great Britain or Ireland, any complaint or accuſation is to be tranſmitted by the commander in chief, or ſenior officer, to the lords commiſſioners of the admiralty, who thereupon iſſue an order or commiſſion for aſſembling a court martial to try the party accuſed; and the order may be directed to the firſt, ſecond, or third in command, as may be found moſt expedient, and for the good of his majeſty's ſervice; and ſuch flag officer or captain ſo directed ſhall preſide at ſuch court martial.

In the abſence of the judge advocate, or his deputy, it is uſual for the officer who is directed to aſſemble the court martial, in this ſtage of

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the procedure, to nominate ſome perſon to officiate as judge advocate on the occaſion; and in which appointment, according to the conſtruction of the ſtatute before quoted, a majority of the members, when the court is aſſembled, ſhould concur.

The preſident likewiſe appoints a perſon to officiate as provoſt-marſhal on the occaſion, who is to take the party accuſed into cuſtody, to produce him at the time of trial, and to keep him until he ſhall be delivered by due courſe of law.

The commander in chief iſſues memorandums of notice, or ſummonſes, to the reſpective flag officers and captains of the ſhips of the ſquadron then and there preſent, announcing a court martial to be held on board of a particular ſhip on a ſtated day. At the ſame time he directs the preſident to aſſemble the court at the place and time accordingly, and to give notice to the reſpective flag officers, that they may attend in like manner. He likewiſe iſſues a memorandum to the captain of the ſhip on board of which the court is to be aſſembled, that he may make the eſtabliſhed ſignal for a court martial at the given hour of the day appointed.

The judge advocate, or the perſon appointed to officiate upon that occaſion, is to give the perſon accuſed timely notice of his intended trial, and an atteſted copy of the charge or accuſation exhibited againſt him, that he may prepare for his defence; and he ſhould likewiſe ſummons the ſeveral witneſſes (being perſons ſubject to the juriſdiction of the admiralty), who may be called upon to give evidence,



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M'Arthur on Naval Courts Martial.

either in ſupport of the charge, or in defence of the party accuſed.

As ſoon as all the officers who are to conſtitute the court are aſſembled, at the time and place appointed; if any member have abſented himſelf through ill health, the ſame is to be minutely certified to the court; and the ſurgeon of the ſhip, while ſuch member commands, muſt attend, that he may atteſt upon oath, if required, the truth of his inability through ill health: ſhould he decline ſo doing, and the other teſtimonials be deemed inadmiſſible, the members then aſſembled may immediately break up, as not being authorized to form a court and diſpenſe with the non-attendance of a member not legally excuſed. The reaſons are to be ſtated in a letter to the admiralty, ſigned by all the members aſſembled for the purpoſe of conſtituting a court agreeably to notice and ſignal.

On the other hand, where the teſtimonials of a member's inability to attend are admitted, the court may be formed, and the judge advocate takes the fact down in the minutes, immediately after the names of the members preſent in the form preſcribed.

The members being ſeated to right and left of the preſident, according to ſeniority, and the judge advocate facing him at the bottom of the table, the preſident is to cauſe the party accuſed to be brought into court, attended by the provoſt-marſhal; and all the witneſſes, as well in ſupport of the charge as in the priſoner's defence, and every other perſon who ſhall chooſe, being admitted, the judge advocate, ſtanding up, reads the order for aſſembling the court, and likewiſe the order or warrant of his

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own appointment: he then adminiſters to the reſpective members the oath preſcribed by act of parliament; and afterwards the preſident of the court adminiſters to the judge advocate the cuſtomary oath of ſecrecy preſcribed by the ſtatute. M'Arthur on Naval Courts Martial.

The judge advocate then reads the letter of accuſation or charge againſt the priſoner; and all the witneſſes are then ordered to withdraw, except the firſt that the proſecutor means to produce in ſupport of the charge, who remains in court, and to whom the judge advocate adminiſters the uſual oath. As the oath adminiſtered to the witneſſes is not only that which he depoſes ſhall be true, but that he ſhall alſo depoſe the *whole* truth, he is not to conceal any part of what he knows, whether interrogated particularly to that point or not. The preſident of the court martial uſually deſires him to relate what he knows reſpecting the charge againſt the priſoner; and afterwards the members, with the approbation of the preſident, put ſuch interrogatories as they may think proper and neceſſary for inveſtigating the truth.

By the common law, it is a ſettled rule, that no counſel ſhall be allowed to a priſoner upon his trial for any capital crime (except in the caſe of high treaſon) upon the general iſſue; but though no counſel is allowed to plead in behalf of any priſoner arraigned for any capital crime, it is nevertheleſs uſual for the judge to permit ſuch priſoner to have a counſel to examine the witneſſes, both on the part of the crown, and in exculpation of the priſoner. This is always allowed with reſpect to matters of *fact*; and as to matters of law ariſing on the trial, priſoners



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M'Arthur on Naval Courts Martial.

are upon all occaſions entitled to the aſſiſtance of counſel.

In analogous conformity to this principle, it is the practice at courts martial to indulge the priſoner with counſel, who may ſit or ſtand near him, and inſtruct him what queſtions to aſk the witneſſes with reſpect to matters of fact before the court; and may even commit to paper the neceſſary interrogatories as they ariſe, which the priſoner may give on ſeparate ſlips to the judge advocate, who reads them to the court, and, if approved of, inſerts them literally in the minutes, with the anſwers given by the witneſſes.

The ſame rules of evidence are adhered to at courts martial as are in all criminal caſes admitted by law.

It appears to be the practice both at naval and military courts martial, to produce two or more witneſſes when they can be procured; but when two or more cannot be had, one poſitive evidence to facts is often deemed competent to convict the party accuſed; but this, as Lord Chief Juſtice Hale obſerves, muſt be very warily admitted, it being held better that ten guilty perſons eſcape than that one innocent perſon ſhould ſuffer *.

In caſe any perſon amenable to the juriſdiction of a court martial ſhall refuſe to give evidence, or prevaricate in the courſe of his examination, the court is authorized to puniſh

* For the better information of thoſe perſons deſirous of more accurate information relative to naval courts martial, we cannot do better than refer the reader to the book itſelf, where the origin, the practice, forms, &c. of naval courts martial are conciſely yet judiciouſly and perſpicuouſly treated, and the practice compared with the practice at common law.



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ſuch perſon by three months impriſonment; or ſhould any perſon behave with contempt, he may be impriſoned for one month.

After the examination of all the witneſſes produced in ſupport of the charge, as well as thoſe in favour of the party accuſed, the court being cleared, the members are to proceed to judgment, or, ſpeaking according to technical language, to determine whether the charge againſt the priſoner be *proved* or *not proved*, and if found guilty to pronounce that judgment which the articles of war, or laws of the land, have ſpecifically appropriated to the offence in queſtion. For this purpoſe the court is accordingly cloſed, and the members of the court maturely deliberate and weigh the facts alledged on both ſides, the credibility of the witneſſes, the force and efficacy of their teſtimony, the ſeveral degrees of guilt connected with the facts, either as principals or acceſſories, under the various circumſtances exhibited to them in the courſe of inveſtigation.

The court having duly weighed the evidence produced on both ſides, and taken into mature conſideration the palliating circumſtances either offered in the defence, or which may have ariſen in the inveſtigation of facts, the judge advocate ſtates the queſtion reſpecting the priſoner's guilt, and which at naval courts martial is put to each member ſeparately, beginning with the junior, and ending with the preſident. The queſtion is uſually put in the following words: "Are you of opinion, that the charge againſt "the priſoner is *proved*, or *not proved*?" Or thus, "to be *guilty*, or *not guilty*, of the crime "laid to his charge?" Should the majority of members be of opinion, that the charge is

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M'Arthur on Naval Courts Martial.

proved, these members consequently are to assign the punishment to be inflicted. It is to be observed, that in order to give force and validity to the judgment of the majority, the sentence of a court martial is to be signed by all the members present, although they may differ in opinion.

Mutiny Act, Art. 7.

At general *military* courts martial, it is necessary, in judgment of death, that nine members out of thirteen, or two-thirds of those present, concur therein, if more than thirteen members constitute the court.

It will be observed, that there are many crimes in the articles of war that have expresly annexed to them the punishment of death, without any alternative. The twelfth article, as it formerly stood, positively prescribed death. It was under this article that the unfortunate Admiral Byng suffered, although earnestly recommended to mercy, and notwithstanding a letter from the court complaining of the severity of that article, which admitted no mitigation.

13 Geo. 3. c. 17. Articles 4. 5. 6, 10, 11, 12, 14, 16, 17, 19, 20, 22, 26, 27, 30, 34, 35.

It was, however, thought proper to amend this, with several other articles, in the cases specified, wherein it is left discretionary in the court to inflict the punishment of death, *or such other punishment as the nature and degree of the offence shall be found to deserve.* Other articles

Articles 1, 2, 7, 8, 9, 18, 21, 23, 24, 32, 33, 36.

omit the word *death*, and leave the punishment to be inflicted to the discretion of a court martial; and as those articles are for the punishment of offences of not so flagrant a nature, it is obvious, that the wisdom of the legislature meant to exclude the power of a court martial to inflict a capital punishment for any of the specific offences left discretionary.

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Some of these articles leave no discretionary power to the court martial, but expressly restrict the punishment to cashiering the offender, or dismissing him from his majesty's service. Articles 18, 31, 33.

If the charge proved against a prisoner should fall under any of those articles of war in which the punishment of death is expressly annexed, without any alternative or deviation, under circumstances however alleviating, no further questions or deliberations of the court are necessary to impede pronouncing the sentence.

The sentences of naval courts martial and those of the army differ in these particulars :— In the navy, they are final, and pronounced *instanter* in open court; for the members of army courts martial are sworn not to divulge the sentence of the court, until it shall be approved of by his majesty, or by some person authorized by him. Mutiny Act, Article 5, p. 14.

When the majority of the members have given an opinion that the charge has been found proved, and that it falls under any of the articles in which the cases are left discretionary to the court to inflict the punishment of death, *or such other punishment as the nature and degree of the offence shall be found to deserve*, it is usual to state a second question to the members of the court, whether or not the punishment to be inflicted is to be capital? If this be determined in the negative, another question must necessarily arise respecting the nature and extent of the punishment to be inflicted, whether corporal, cashiering, mulcting of pay, imprisonment, &c.; or it may be stated in general terms what punishment, other than death, shall be inflicted on the prisoner? This being determined, the judge advocate draws up the sentence, the court

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is opened, all parties are admitted, and judgment pronounced accordingly.

Should no reprieve or pardon intervene, execution of courſe muſt follow. A reprieve is merely a temporary ſuſpenſion of execution, and may be continued from time to time: a pardon, on the contrary, is permanent, and muſt be under the great ſeal. When a pardon is extended to a criminal ſentenced by a naval court martial, it is ſent to the lords commiſſioners of the admiralty, who immediately tranſmit, as ſecret, their order of reprieve or pardon to the commander in chief, or ſenior officer at the place for the time being, where the execution would take place, ſigned by the lords, under the admiralty ſeal, ſignifying his majeſty's royal mercy, and directing the commander in chief to keep the whole of the order *extremely ſecret*, until the offender is, on the day appointed for execution, brought upon deck, and every thing prepared for his execution, agreeably to the cuſtom of the navy; and then only to make known to him his majeſty's pleaſure, and to releaſe him from confinement.

In carrying the ſentences of courts martial into execution for corporal puniſhment, the admiral or commanding officer is to iſſue orders to the captain of the flag, or other particular ſhip, to make the ſignal for the boats of the ſquadron to aſſemble, manned and armed, on the day appointed, to attend the puniſhment, and likewiſe orders to the other captains to ſend a lieutenant with a boat, manned and armed, from their reſpective ſhips, to attend and aſſiſt thereat.

An order is at the ſame time iſſued to the captain or commander of the ſhip to which the

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priſoner belongs (accompanied with a copy of the ſentence) directing him to cauſe the puniſhment to be inflicted along-ſide of the different ſhips, in the manner, and in ſuch proportions, as are therein ſpecified. In the order it is uſual to include directions to the captain to cauſe the ſurgeon of his ſhip to attend in the boat with the lieutenant, as well as one of his mates in the long-boat with the priſoner, for the purpoſe of judging of the priſoner's ability to bear all his puniſhment, which the ſurgeon may put a ſtop to when he conceives the priſoner is not able to bear any more with ſafety. M'Arthur on Naval Courts Martial.

The provoſt-marſhal is ordered to attend the puniſhment, and to read publicly the ſentence of the court martial along-ſide each ſhip reſpectively.

When a ſentence of death is approved of by the king, the warrants for execution is tranſmitted by the admiralty to the officer commanding the ſhips and veſſels at the place for the time being, who iſſue the neceſſary orders, agreeably to the forms of the ſervice, and preparations are made accordingly.

On the morning deſtined for the execution, the ſignal of death is diſplayed, and the boats of the ſquadron, manned and armed, ſurround the ſhip appointed for the execution. The crews of the reſpective ſhips are arranged on deck, when the articles of war are read—after which a gun is fired; and at the ſame moment the unhappy victim who has violated the laws of his country is run up by the neck to the yard-arm, a terrible example to the ſurrounding ſpectators.

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## Cuſtoms, Seizure, &c.

THE laws relative to this branch of the royal revenues are not only numerous, but of remote antiquity; the more ancient part of which, before commerce had arrived to its preſent magnitude, aroſe chiefly from exports. The produce of theſe duties is ſaid to be veſted in the king for the two following reaſons, viz. 1ſt, Becauſe he gave the ſubject leave to depart the kingdom, and to carry his goods along with him; and, 2dly, Becauſe the king was bound of common right to maintain and keep up the ports and havens, and to protect the merchants from pirates. It is ſaid by Sir Edward Coke, 2 Inſt. 58. 9. that the king's firſt claim to theſe duties was by grant from parliament, in the third year of Edward I.—Excluſive of theſe, there were formerly other ſpecies of cuſtoms payable upon exports and imports, ſuch as ſubſidies, tonnage, poundage, &c.; all of which are now blended together, except in one or two inſtances, where diſtinct duties are paid upon tonnage, under the general denomination of cuſtoms, by which are now underſtood certain duties impoſed by parliament, and paid by the merchant at the quay upon all commodities, whether exported or imported (unleſs where, for particular reaſons, bounties or drawbacks are allowed in favour of particular articles).—The duties of tonnage and poundage were granted at firſt, as is expreſſed by the old ſtatutes (and particularly 1 Eliz. c. 19.), "for the defence of the "realm, and the keeping and ſafeguard of the ſeas, "and for the intercourſe of merchandize ſafely to come "into and paſs out of the ſame."—They were originally granted only for a ſtated term of years; but by a ſtatute made in the 36th year of Henry VI. they were granted to that king for life, and again for life to Edward IV.; ſince which time, until the reign of Charles I. they were regularly granted to all his ſucceſſors for life. Upon the Re-

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ſtoration, this duty was alſo granted for life to Charles II. and his two immediate ſucceſſors; and by three ſeveral ſtatutes, 9 Anne, c. 6. 1 Geo. 1. c. 12. 3 Geo. 1. c. 7. it was mortgaged for the debt of the public. In the 27th year of his preſent majeſty, a moſt judicious arrangement was introduced, by which the merchant was enabled to underſtand, and almoſt inſtantaneouſly to aſcertain, the duties payable; a ſpecies of knowledge which, before this act, was almoſt excluſively confined to exciſemen and collectors; and as the various duties payable were numerous and widely diſperſed among ſeveral acts of parliament, even the perſons concerned in collecting them might frequently, through ignorance of ſo complex a ſubject, commit miſtakes, by which either the merchant or the revenue muſt ſuffer. By this judicious and ſyſtematic ſimplification of theſe duties, contained in an act intituled the Conſolidation Act, an improvement ſimilar to which is very much wanted, and might be with facility applied, in various other departments, particularly that branch of the revenue ariſing from the ſtamp duties, all the former ſtatutes impoſing duties of cuſtoms and exciſe were repealed as to the quantum; the two books of rates formerly impoſed were aboliſhed; and a new book of rates introduced: a circumſtance which, as Mr. Chriſtian, in his note on 1 Comm. 316. "is of infinite conſequence to "the commercial world; it having reduced an important "ſubject from a perfect chaos to ſuch a plain and ſimple "form as to induce every friend to his country to wiſh "that ſimilar experiments were made upon other confuſed "and entangled branches of our ſtatute law."

Of the various acts of more remote antiquity, and which principally relate to the officers of the cuſtoms, the following are the moſt material. With reſpect to the antiquity of theſe acts, and to ſhew how much the protection of trade was, from the earlieſt periods, the object of Britiſh legiſlation, it may be here obſerved, that ſo far back as Magna Charta, 9 Hen. 3. c. 3. it was enacted,

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that "merchants may buy and sell by the ancient "customs."

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14 Rich. 2. c. 10. No customer, or comptroller of the customs, shall have any ships of his own, or meddle with the freight of ships.

3 Hen. 6. c. 3. Customers, collectors, or comptrollers, shall not conceal customs duly entered and paid, on pain to forfeit the treble value of merchandize so customed, and to make fine and ransom to the king.

20 Hen. 6. c 5. No searcher, surveyor, &c. or their clerks, deputies, or servants, may have any such ships of their own; nor shall use merchandize, keep a wharf, inn, or tavern, or be factor, attorney, &c. to a merchant, under the penalty of 40l.

2 Hen. 4. c 13. 4 Hen. 4. c. 20. Customers and comptrollers shall reside upon their offices, and not make deputies.

4 Hen. 4. c. 21. Ships shall be laden in the great ports, and not in creeks.

Searchers shall reside on their offices, and not take more fees than appointed.

Various unlawful and direct means and devices having been daily put in practice to export and import prohibited goods, and thereby defrauding the revenue; and the custom-house officers having been frequently resisted and attacked by open violence in the execution of their duty; the legislature, to prevent these frauds and abuses, and to protect the officers, passed the following act, intituled,

13 & 14 Car. 2. c. 11. "An Act for preventing Frauds and regulating Abuses in his Majesty's Customs."

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No ſhips from beyond ſea to be longer than three days coming up from Graveſend unleſs hindered by contrary winds, draught of water, &c. Entries to be made on oath.

No ſhips to be more than three days coming from Graveſend. 13 & 14 Car. 2. c. 11. ſ. 2.

Outward-bound ſhips not to take goods a-board till entry is made at the Cuſtom Houſe, on penalty of 100l. Ships of war bringing goods inwards to make like entries, on penalty of 100l. On refuſal to make ſuch entries, as well outwards as inwards, the officers of the cuſtoms may go on board, and take out all goods prohibited or uncuſtomed, that ſhall be found on board ſuch ſhip.

Entries of all goods ſhipped and imported to be made at the Cuſtom Houſe. Sect. 3.

Officers of the cuſtoms empowered to ſearch men of war and merchant-ſhips for uncuſtomed and prohibited goods. Maſters, &c. ſuffering goods to be unpacked on board, and carried away, or put into other form or package, after the ſhip comes into port of diſcharge, ſhall forfeit 100l.

Officers of the cuſtoms may ſearch men of war and merchant ſhips for prohibited goods. 13 & 14 Car. 2. c. 11. ſ. 4. 5 Geo. 3. c. 43. ſ. 1.

Goods found concealed in any ſhip after clearing, the maſter to forfeit 100l.

Forfeiture on goods found in any ſhip after clearing.—13 & 14 Car. 2. c. 11. ſ. 5.

Perſons beating or abuſing any Cuſtom Houſe officers in due execution of their office, either on board or a-ſhore, to be committed by the next juſtice of peace to priſon till the next quarter ſeſſions; and the juſtices of the ſaid quarter ſeſſions are empowered to puniſh the offenders by fine, not exceeding 100l. and to remain in priſon till diſcharged by order of the exchequer, both of fine and impriſonment, or diſcover the perſon that ſet them to work, that he may legally be proceeded againſt.

Perſons obſtructing Cuſtom Houſe officers in their duty to be committed. Sect. 6.



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Penalty on landing or shipping goods without the presence of some Custom House officer. 13 & 14 Car. 2. c. 11. s. 7. 1 Anne, st. 1. c. 26. s. 3.

No goods to be landed on any wharf, quay, or shipped off, without the presence of some Custom House officers (the port of *Hull* excepted by 1 Eliz. c. 11.); or goods passing by certificates, waste cocquet, or otherwise, without a Custom House officer; under penalty of 100l. to be paid by the wharfingers or keeper of such wharf or quay. Goods taken from the shore into any lighter, boat, &c. to be carried on board a ship outward-bound, or taken from ships arriving from foreign parts, without a warrant and the presence of one or more Custom House officers, such lighter, boat, &c. to be forfeited, and the master, &c. of any ship inward-bound, knowing and consenting thereto, to forfeit the value of the goods so unshipped; and any carman, porter, waterman, or other person assisting in the same, being apprehended by warrant from any justice of peace, to be imprisoned, and to find surety for their good behaviour; and for the second offence, to be imprisoned two months, or till payment of 5l. forfeit. Goods carried coastwise without a sufferance to be forfeited; masters of ships taking such goods to take out a cocquet, and give bond for delivery and discharge thereof in the port for which the same shall be entered, and to return a certificate within six months after the date of such cocquet, under the hands and seals of the Custom House officers, that such goods were there landed and discharged, under penalty of the forfeiture of the bond aforesaid.

Punishment of officers making false certificates. 13 & 14 Car. 2 c. 11. s. 8.

Officers making false certificates shall forfeit their places and 50l. and are to be imprisoned a year, and incapable of serving in the customs for the future. Counterfeiting cocquets, certificates, 100l. penalty.

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Goods ſecretly exported beyond ſea, unculſtomed, and undiſcovered by the officers of the cuſtoms, the owners to forfeit double the value, computed according to the book of rates, except for coals ſecretly exported, for which double the duty and cuſtom to be collected. 13 & 14 Car. 2. c. 11. ſ. 9.

Bill of entry to be ſubſcribed by the merchant or his agent or known ſervant, and to contain the marks, numbers, and contents of parcels. Children of aliens, under age, not permitted to be traders, nor any goods entered in their names. Bill of entry to be ſubſcribed by the merchant, &c. Sect. 10.

No party jury allowed in ſuits concerning the cuſtoms. Sect. 11.

Shipping leſs than expreſſed in the certificate forfeits the value, and the benefit of receiving any drawback. Goods ſhipped by certificate, and landed again in the ſame or any other port in Great Britain, Wales, or town of Berwick (unleſs by diſtreſs to ſave them from periſhing, which is to be directly made known to the Cuſtom Houſe officers) to be forfeited, or their value. Forfeiture upon ſhipping leſs than expreſſed in the certificate. Sect. 12.

None but officers of the cuſtoms to ſeize ſhips or goods for unlawful importation or exportation, or for not payment of any cuſtoms. Sect. 15.

In ſuits againſt officers of the cuſtoms, defendant may plead the general iſſue. Sect. 16.

Where the informer or ſeizer does not proſecute with effect for the bringing to trial and condemnation ſhips, goods, &c. the officers of the cuſtoms may ſue. Sect. 17.



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13 & 14 Car. 2. c. 11. ſ. 18. No informer or officer to compound under one-third of the appraiſed value, upon penalty of loſing his office.

Sect. 19. 100l. Penalty and incapacity on officers of the cuſtoms taking a bribe, or guilty of connivance; and 50l. penalty on the perſon giving ſuch bribe.

Sect. 20. Perſons revealing their offence in two months to be acquitted.

Foreign goods to be landed at the quays appointed by the cuſtomer, &c. and weighed, meaſured, and numbered, in preſence of the officer. Sect. 21. Foreign goods to be landed at the quays appointed by the cuſtomer, &c. and to be weighed, meaſured, and numbered, in preſence of the officers particularly appointed for that purpoſe, who are to perfect the entry, ſubſcribe their names thereto, and next day following give account and make report of every entry ſo perfected to the cuſtomer, &c. or in default ſhall forfeit 100l.

No veſſels employed ordinarily for carriage of letters, packets, &c. ſhall export or import. Sect. 22. No ſhip, veſſel, or boat, employed and ordinarily for carriage of letters and packets ſhall export or import any merchandize or goods (unleſs allowed by the cuſtomer, &c.) upon the penalty of 100l. to be paid by the maſter, with the loſs of his place, and forfeiture of all the goods and merchandize found on board.

All the king's officers, miniſters, and ſubjects to be aiding to the officers of cuſtoms. Sect. 23. Officers of the admiralty, captains or commanders of ſhips, forts, caſtles, &c. as alſo juſtices of peace, mayors, ſheriffs, bailiffs, conſtables, and headboroughs, and all king's officers, miniſters, and ſubjects whatſoever, to be aiding to the officers of cuſtoms.

In the 5th year of George I. frauds and abuſes ſtill continuing to be practiſed, an act was paſſed "againſt clandeſtine running of uncuſtomed "goods, and for the more effectual preventing "of frauds relating to the cuſtoms."

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Of this act the following is the ſubſtance:

If any ſhip, veſſel, or boat, of the burthen of fifteen tons or under, wherein any brandy, arrack, rum, ſtrong waters, or ſpirits of any kind whatſoever, ſhall be imported into Great Britain, or into any port, harbour, haven, or creek thereof (except only for the uſe of the ſeamen then on board, not exceeding one gallon for each ſuch ſeaman), ſuch ſhip, veſſel, or boat, with all her tackle, furniture, and apparel thereof, is forfeited and loſt, and may be ſeized, recovered, broke up, and ſold. 5 Geo. 1. c. 11.

The above act having been frequently evaded, and a clandeſtine trade carried on, by importing theſe goods in ſhips and veſſels *above fifteen ton*, another act was paſſed, 6 Geo. 1. c. 21. by which the above commodities were prohibited to be imported in veſſels of the burthen of thirty tons or under. This act recites the former act, and applies the ſame forfeitures.

Ships of forty tons importing brandy, arrack, rum, ſtrong waters, &c. ſhall be forfeited.

Offences relating to the cuſtoms may be tried and determined in any court at *Weſtminſter*. 6 Geo. 1. c. 21. £44.

50l. Penalty for offering to bribe an officer to connivance (whether the offer is accepted or not.) 9 Geo. 2. c. 35. £24.

Indictments or informations for aſſaults upon officers of cuſtoms or exciſe may be tried in any county of England. Sect. 26.

Goods concealed in a ſhip after report made at the cuſtom houſe forfeited; and the maſter forfeits treble the value. Sect. 27.



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9 Geo. 2. c. 35. ſ. 28. Perſons obſtructing or wounding officers doing their duty to be tranſported for any term not exceeding ſeven years.

Officers may go on board coaſting veſſels, and ſearch for prohibited goods. Sect. 23. Officers of the cuſtoms or exciſe may go on board of coaſting veſſels, and ſearch for prohibited and uncuſtomed goods, producing their deputations (if required), and remain on board during their continuance in the port; and any perſon oppoſing, moleſting, or hindering the ſaid officers in going or remaining on board, or in entering and ſearching the cabin, or any other part thereof, ſhall forfeit 100l.

Sect. 34. In trials of ſeizures, judges to proceed on the merits, without enquiring into the form of the ſeizure.

15 Geo. 2 c. 31. ſ. 7. Claimants of veſſels ſeized to give ſecurity in 30l. — Penalty 60l. by 3 Geo 2. c. 22. ſ. 8. Claimants of veſſels ſeized to give ſecurity, in the penalty of 30l. to anſwer and pay the coſts occaſioned by ſuch claim; and in default of giving ſuch ſecurity within the time limited by the courſe of that court where the veſſel ſhall be proſecuted, ſuch veſſel ſhall be recovered. Security in penalty of 60l.

Veſſel or goods ſeize by officers of the cuſtoms to be ſold the beſt bidder, at places appointed by the commiſſioner. Sect. 1. Veſſels or goods ſeized by officers of the cuſtoms to be ſold publicly (except thoſe veſſels and goods as are by law liable to be burnt) to the beſt bidder, at ſuch places as the commiſſioners ſhall think proper; one moiety of the net produce, after deducting the charges of condemnation, &c. to be given to the officers who made the ſeizure, and the other moiety to be paid into the exchequer.

Officer allowed two thirds upon wrought ſilks, &c. of Perſian or Eaſt Indian manufacture; the whole upon wool, &c.; to tobacco. ſnuff, &c. Sect. 2. Officers of the cuſtoms and exciſe allowed as follows for ſeizing particular goods, viz. *two-thirds* on wrought ſilks of Perſian or Eaſt Indian manufacture, and printed or painted callicoes. *The whole* upon wool. 3*d. per lb.* for tobacco and ſnuff burnt or deſtroyed according to law.

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1*d. per lb.* for tobacco ſtalks; and for tea burnt or deſtroyed according to law, the officers ſhall be rewarded as the commiſſioners of the cuſtoms or exciſe ſhall think proper, not exceeding 2*s.* 6*d. per lb.* 3 Geo. 3. c. 22.

The king to direct how ſeizures by ſhips of war ſhall be divided. Sect. 4.

Foreign ſpirits imported, not for the ſhip's uſe, in any veſſel of or under fifty tons burthen, both ſhip and ſpirits forfeited. Where ſpirits, tea, tobacco, &c. are forfeited by 9 Geo. 2. c. 55. ſ. 22. or 24 Geo. 2. c. 41. ſ. 26. the ſhip is alſo to be forfeited. Sect. 5.

The regulations of ſhips of fifty tons hovering are extended to the coaſts of all the Britiſh dominions. Sect. 9.

Unentered goods concealed in any package ſent to the king's ſtore-houſes, and which ſhall not be entered in twenty days after the firſt entry of the ſhip and the duties paid; or goods concealed in any package brought on ſhore by ſpecial ſufferance, and not ſpecified therein, ſhall be forfeited, and may be ſeized and proſecuted by any officer of the cuſtoms; one moiety to the king, and the other to ſuch officer. Unentered goods found concealed, &c. to be forfeited. 5 Geo. 3. c. 43. ſ. 1.

Foreign ſpirits not for the ſhip's uſe, imported in ſhips of one hundred tons burthen or under, both ſhip and ſpirits forfeited. Sect. 27.

Rum or geneva not to be imported in leſs than ſixty gallon caſks, on forfeiture thereof (except for the uſe of the ſeamen, not exceeding two gallons for each man). Rum or geneva not to be imported, except in ſixty gallon caſks. Sect. 28.

Plantation rum, imported directly from thence in ſmall caſks, without fraud or concealment, either for the maſter's uſe during the voyage, or for the private uſe of merchants im- In what manner plantation rum may be exported in ſmaller caſks. Sect. 29.



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5 Geo. 3. c. 43. porting the ſame, or deſigned as preſents, and not by way of merchandize, is excepted, and the commiſſioners, if they think proper, may admit ſuch rum to an entry, and cauſe the duties to be accepted inſtead of forfeiture.

Spirits ſhipped from Ireland, &c. when to be forfeited. Sect. 30.

Spirits ſhipped or entered for exportation from Ireland to any port or place not within that kingdom (except for the uſe of the ſeamen) in any veſſel under one hundred tons, ſhall be forfeited, together with the ſhip.

No drawback on goods exported to Faro. Sect. 31.

No drawback or bounty ſhall be allowed on goods exported from Great Britain or Ireland to the iſlands of Faro, nor any cocquet or clearance granted for exporting any goods to the ſaid iſlands which are prohibited to be worn or uſed either in Great Britain or Ireland.

Entering goods for foreign ports, excepting Faro, to obtain the drawback, &c. Sect. 32.

Perſons entering goods, of whatever deſcription, for exportation to foreign parts, in order to obtain the drawback or bounty; and that ſuch goods ſhall nevertheleſs be carried and landed at the iſland of Faro, contrary to this act; in every ſuch caſe the drawback or bounty paid or to be paid for the ſame ſhall be forfeited; and the exporter, and maſter of the ſhip, and every perſon concerned, ſhall forfeit treble the value of ſuch goods, and the ſhip to be likewiſe forfeited.

Sect. 33. The iſlands of Faro to be included in oaths upon debentures.

Sect. 34. Coffee imported in leſs package than one hundred and twelve pounds ſhall be forfeited.

Hovering ſhips, &c. may be confiſcated. Sect. 38.

Hovering ſhips under fifty tons from abroad, having twenty pounds of coffee or goods liable to forfeiture, may be ſeized and confiſcated.

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Officers of the customs or excise making seizures of spirits, tea, or any goods forfeited by this act or 9 Geo. 2. on board any ship or vessel, and shall not seize and prosecute the ship; or shall seize any goods that have been landed, removed, and carried contrary to law, and shall not seize the boat, cart, horse, or other cattle or carriage made use of in removing the said goods, and shall not discover to the commissioners of the customs and excise the persons concerned in unshipping and receiving such goods, so that they may be prosecuted, such officers instead of the moiety shall only receive one third part of the net produces arising by the sale of such goods.

Officers of the customs or excise making seizures, and not prosecuting the ship and discovering the parties concerned, instead of the moiety shall have only one-third part of the net produce arising from the sale of such goods. 5 Geo. 3. c. 43. s. 39.

The following is the substance of the principal sections of the 27 Geo. 3. c. 13. generally known by the title of the CONSOLIDATION ACT:

The preamble to this act states, "that the "present mode of charging and computing "the several duties of customs and excise, and "other duties under the commissioners of ex-"cise in England and Scotland respectively, "are in many instances intricate and compli-"cated, and productive of much embarrass-"ment to the persons who are to pay the same, "as well as of great perplexity in the accounts "of the public revenue; and that it is neces-"sary, for exemplifying the collection of the "duties to be granted by this act, that new "provisions should be made for the payment of "the several charges to which different "branches of the said duties are appropriated; "and it will tend at all times to strengthen the "public credit that one general fund should be "established, comprehending all the different

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27 Geo. 3 c. 13. "branches of the revenue, and liable to all "charges which are now payable out of the "same."

From May 10, 1787, the present duties of customs and drawbacks are to cease. Sect. 1.

From May 10, 1787, the present duties of customs and drawbacks are to cease, except as to fines, penalties, forfeitures, &c. which may have been incurred previous to the above period: provided always, that nothing in this act contained shall extend to repeal or anywise alter the duties of package, scavage, balliage, or portage, or any other duties payable to the city of London, or any other town corporate, within the kingdom of Great Britain.

By the second section, the duties contained in the schedules annexed to the act, and the drawbacks therein, are to be allowed in lieu of others, which are then to cease.

When drawbacks not to be allowed. Sect. 3.

Drawbacks are not to be allowed, except the goods be properly entered for exportation, and actually shipped within three years from their importation; nor unless they are claimed within two years after being so shipped.

Sect. 4. Duties to be under the management of the commissioners of the customs in England and Scotland respectively.

Sect. 5. New duties and drawbacks to be levied and allowed in like manner as the old duties; and the penalties for offences against any acts in force on May 10, 1787, for securing the revenue are extended to this act as far as the same are not hereby altered.

Sect. 6. The acts in force on May 10, 1787, relative to the customs, to remain in force, unless hereby altered.

Sect. 7. Whereas the words *British-built ship*, or *British-built ships*, are inserted in the schedule or



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tables annexed to this act, the ſame ſhall be underſtood, deemed, and taken to mean a Britiſh-built ſhip or Britiſh-built ſhips, or a prize ſhip taken at ſea by letters of marque or repriſal, legally condemned in a court of admiralty, owned, navigated, and regiſtered according to law, and none other. 27 Geo. 3. c. 13.

Goods permitted to be entered duty free by acts in force on May 10, 1787, are not to be ſubject to duty, unleſs particularly charged therewith in the ſchedule. Sect. 8.

No drawback to be granted, unleſs allowed by acts in force on May 10, 1787. Sect. 9.

No goods to be imported or exported contrary to acts in force on May 10, 1787, unleſs permitted by this act. Sect. 10.

Bonds for duties may be given as heretofore (except the duties on coals. which ſhall be paid in ready money, without any diſcount, or liberty to bond the ſame.) Sect. 11.

All goods imported except diamonds, jewels, pearls, precious ſtones, and bullion; freſh fiſh Britiſh taken, and imported in Britiſh-built veſſels, owned, navigated, and regiſtered according to law; turbots and lobſters, however taken and imported; are to be entered at the cuſtom houſe, and landed in the preſence of the proper officer, who ſhall examine the ſame, and ſhall not deliver them out of his cuſtody until he ſhall have taken a particular account of the quantities and ſpecies of ſuch goods. All goods, except diamonds, bullion, fiſh, &c. to be entered and landed in the preſence of the proper officer. Sect. 12.

If more than three dozens of bottles, or ten gallons in caſks of wine imported into any outport, be carried therefrom to within twenty miles of London, without a certificate that the difference of the duties at London and the outport be paid. Not more than three dozen of bottles, or ten gallons of wine, to be carried to within twenty miles of London without certificate of duty being paid.—Sect. 14.

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27 Geo. 3. c. 13. port is paid, ſuch wine, together with the caſks containing the ſame, may be ſeized by any officer of the cuſtoms or exciſe.

Sect. 14. If wine ſo removing from an out-port to London, for which the duties have been duly paid, ſhould be ſtaved, the owner ſhall be repaid the difference of the duties at the out-port and at London.

The fifteenth ſection relates to goods imported by the Eaſt India Company.

The ſixteenth recites the books of rates of the 12 Car. 2. and the 11 Geo. 1.; and enacts, that all goods whoſe duties are not fixed by the ſchedule annexed ſhall be liable to the duties, and entitled to the drawbacks ſet forth in another table therein referred to.

To prevent frauds in the repreſentation of the value of the goods, the following equitable regulation is preſcribed:

How goods are to be valued. Sect. 17, 18, 19, 20. The proprietor himſelf ſhall declare the value of the goods imported or exported; and if this ſhould appear not to be a fair and true eſtimate, the goods may be ſeized by the proper officer, and four of the commiſſioners of the cuſtoms may direct, that the owner ſhall be paid the price which he himſelf fixed upon them, with an advance of 10l. *per cent.* beſides all the duty which he may have paid; and they may then order the goods to be publicly ſold; and if they raiſe any ſum beyond what was paid to the owner and the ſubſequent expences, one half of the overplus ſhall be paid to the officer making the ſeizure, and the other half to the public revenue.

Sect. 20. Collectors of the cuſtoms to account for money received for ſale of goods undervalued as for duties granted by this act.

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The four following sections, viz. the twenty-first, twenty-second, twenty-third, and twenty-fourth, relate to the treaty of navigation and commerce with France, and which are now annulled. 27 Geo. 3. c. 13.

The East India Company are to pay, at the times they become due by law, their duties to the receiver-general of the customs, whose receipt shall be received as cash by the collector. Sect. 26.

Duties collected in the port of London to be paid to the receiver-general on the days they are received. Sect. 27.

Monies due on debentures for drawbacks or premiums, if due in London, to be paid by the receiver-general. Sect. 28.

Such debentures not due in London may be paid by the respective collectors at the outports. Sect. 29.

This act not to alter or affect any bounty or premium now payable out of the revenue of the customs. Sect. 30.

By this section the rules and regulations annexed to the two books of rates of 12 Car. 2. and 11 Geo. 1. are repealed. Sect. 31.

Fish caught by any vessels built in his majesty's dominions, and owned by his majesty's European subjects, may be imported without paying any duty. Sect. 32.

If goods on which duties are payable according to their weight, &c. should be damaged on the voyage, a proportionable allowance out of the duties shall be paid to the merchant, to be ascertained in the following manner: On proof of such damage previously ascertained, in the manner required by law, the principal officers Commissioners may make allowances upon goods damaged. How damage is to be ascertained. Sect. 33.

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27 Geo. 3. c. 13. of the cuſtoms, or any two of them, whereof the collector for the time being ſhall be one, ſhall have power to chooſe two indifferent merchants, experienced in the value of ſuch goods, who upon viewing the ſame ſhall certify and declare, upon their corporal oaths, firſt adminiſtered by the ſaid officers who are hereby authorized to adminiſter the ſame, what damage ſuch goods ſhall have received, and how much the ſame are leſſened in their true value, according to ſuch damage; and thereupon the proper officers ſhall, and they are hereby authorized, to make a juſt, reaſonable, and proportionable allowance to the merchant, by way of return or repayment, out of the duties due, and which ſhall have been actually paid for the ſame.

Sect. 34. Goods to continue to be laden and unladen, and officers of the cuſtoms to attend at the ſame hours, and the ſame fees to be received, as now eſtabliſhed by law.

The following ſections relate to

THE EXCISE.

From the 10th of May 1787, the duties of exciſe to ceaſe, except as to certain articles, &c. Sect.

From the 10th day of May 1787, the preſent duties of exciſe to ceaſe, except in all caſes relating to the recovering, allowing, or paying any arrears thereof reſpectively which may at that time remain unpaid, or to any fine, penalty, or forfeiture relating thereto, which ſhall have been incurred before the 10th day of May 1787, and ſave and except the duties upon malt, mum, cyder, and perry, granted by the 26th and 27th of his preſent majeſty; and ſave alſo and further except the rates or duties payable for any licence or licences, which the

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ſaid commiſſioners of exciſe, or the collectors, ſupervisors, or officers of exciſe, or any of them, are or have been, by any act of parliament in force on and immediately before the ſaid 10th day of May 1787, authorized or empowered to grant. 27 Geo. 3. c. 13.

Other duties of exciſe are enacted in lieu of thoſe repealed, and the new duties are placed under the management of the commiſſioners of exciſe, to be accounted for in the ſame manner as the repealed duties were. Sect. 36, 37.

The new duties may be raiſed, and drawbacks allowed in like manner as by the old duties were raiſed and allowed (except where any alteration is expreſsly made by this act); and that the goods chargeable with the duties of exciſe by this act ſhall be ſubject to the conditions to which they were ſubject by law on May 10, 1787, and the penalties then in force to be extended to this act. New duties are ſubject to the ſame regulations and the ſame penalties as before this act. Sect. 37.

Duties on ſpecific quantities of goods to apply proportionably to any leſs quantities. Sect. 39.

All duties collected after May 10, 1787, either of cuſtoms or exciſe, though due before that day, may be applied as the duties impoſed by this act *.

In all caſes where any ſhip, veſſel, boat, or goods of what kind ſoever, ſhall be ſeized by any officer of his majeſty's cuſtoms, the commiſſioners of the cuſtoms may order the whole Commiſſioners of the cuſtoms may order the expences of ſeizure, &c. of veſſels, &c. to be paid out of his majeſty's ſhare of any ſeizure, &c.; and the officer to receive his full ſhare of the net produce.—30 Geo. 3. c. 43.

* The remaining ſections of this act relating to the commiſſioners of the ſtamps, directing the duties of cuſtoms, exciſe, ſtamps, hackney coaches, poſt-office, &c. to be carried into one fund, called the conſolidated fund, and various other branches, are not detailed, as not connected with the preſent work.

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30 Geo. 3. c. 43. or any part of the expences of ſeizure, cuſtody, removal, detention, or proſecution of any ſuch goods whatſoever, whether ſuch goods be condemned or not, and the charges and expences ariſing from the condemnation and ſale, or other diſpoſal of any ſuch goods, whether the produce of ſuch ſale ſhall be ſufficient to anſwer the charges and expences or not, to be paid out of his majeſty's ſhare of the produce ariſing by the ſale of ſeizures which ſhall have been or may be ſeized and condemned; and every officer who ſhall have made any ſuch ſeizure ſhall be allowed his ſhare of the net produce ariſing by the ſale or other diſpoſal thereof in full, without deducting therefrom the ſaid charges and expences, or ſuch part thereof as ſuch officer was by law entitled unto before the making of this act; the reſidue to be applied by the commiſſioners to ſuch purpoſes as his majeſty's ſhare of the produce of ſuch ſhares is applicable unto.

33 Geo. 3. c. 70. ſ. 5. Commiſſioners of the cuſtoms are to direct officers to make proportionable allowances out of duties for goods damaged on the voyage.

34 Geo. 3. c. 50. ſ. 5. Perſons obſtructing officers of the navy in the due execution of their office, or aiding or aſſiſting in ſuch obſtructions, ſhall be committed; and being duly convicted, ſhall be ſentenced to hard labour on the river Thames, or other navigable river in Great Britain, for any term not exceeding three years.

36 Geo. 3. c. 40. ſ. 3. The ſtatute of 8 Geo. 1. c. 18. to prevent the clandeſtine running of goods, &c. (except the clauſes obliging all ſhips to perform quarantine).

Sect. 12. So much of the 5 Geo. 1. c. 11. againſt the clandeſtine running of uncuſtomed goods, as



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was continued by ſubſequent acts to September 29, 1795; and ſo much of 19 Geo. 2. c. 34. as relates to farther puniſhment of perſons going armed or diſguiſed, &c. and for relief of officers in informations upon ſeizures, are by the ſections of this act cited in the margin, further continued to September 29, 1802. 36 Geo. 3. c. 40. Sect. 13.

No goods imported, except precious ſtones, bullion, and freſh fiſh Britiſh taken, ſhall be unſhipped without the preſence of the proper officers. 36 Geo. 3. c. 82. ſ. 1.

An additional duty of 5l. *per cent.* on the amount of the duties of cuſtoms on goods imported, and 10l. *per cent.* on the duties upon brimſtone, hemp, iron in bars, or unwrought, and ſtaves imported from any part of Europe; but theſe duties are not to be chargeable on warehouſed prize goods until delivered out for home conſumption. 37 Geo. 3. c. 15. ſ. 7.

Certain additional duties are to be paid from January 5, 1798, on importation of certain goods from the American States in American veſſels. 37 Geo. 3. c. 97. ſ. 11.

By the 37 Geo. 3. c. 110. ſ. 2. an additional duty of 5l. *per cent.* is to be paid on the amount of the duties upon goods imported, exported, or carried coaſtwiſe; and by the 38 Geo. 3. the commiſſioners of the cuſtoms may return duties on goods, accidentally loſt or deſtroyed before landing.

The following is an abſtract of the additional duties of cuſtoms for protection of convoys, 38 Geo. 3. c. 76. ſ. 15.



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38 Geo. 3. c 76. s. 15. From and after the 5th day of July 1798, there shall be paid to his majesty certain additional duties upon any goods, wares, and merchandizes imported and exported.

This section also refers to tables of the articles exported and imported, and the duties to be paid.

Sect. 16. Where by the table A referred to in that section the duties are charged according to the value, it shall be taken as at the port of importation, deducting duties, and ascertained according to 27 Geo. 3. c. 13. and if not truly valued, the goods may be detained by the officers of the customs, who shall proceed in every respect in the manner prescribed in such case by the above act.

If real value cannot be ascertained without the goods being landed and examined, a deposit may be made to secure the new duties, and when ascertained the duties to be paid before delivery of the goods; and if value cannot be ascertained without being sold, they may be delivered for that purpose, on payment of the former duties, &c.

Sect. 17. If the real value cannot be ascertained without the goods being landed and examined, the importer, proprietor, or agent, upon making oath before the collector or comptroller of the customs at the port of importation, that he is not enabled to ascertain the true and real value thereof, shall be at liberty to make a deposit sufficient to secure the new and additional duties hereby imposed, and the value of such goods, wares, or merchandizes, shall, in such case, as soon as may be, after the examination thereof, be ascertained by the declaration of such importer, proprietor, agent, or factor, in the manner, and subject to the rules, regulations, forfeitures, and penalties, herein-before directed; and the said new and additional duties shall be paid (except as herein-after provided) before the delivery of such goods, wares, and merchandize: and if the real value of such goods, wares, and merchandize imported, cannot, after examination thereof, be ascertained, so as to enable the importer or proprietor thereof, or

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his known agent or factor, to make an entry according to the true and real value thereof, without being publicly sold, they may be delivered for that purpose, on payment of the former duties. 38 Geo. 3. c. 76.

Provided always, that nothing in this act shall extend, or be construed to extend, to charge with the new and additional duties the following articles, viz. bullion imported or exported, fresh fish British taken, and imported in British built ships, or vessels, owned, navigated, and registered according to law, turbots and lobsters, however taken or imported, corn or grain imported, sugar imported from any part of the United States of America, and warehoused sugars having been so imported and warehoused exported from such warehouse, cinnamon, cloves, mace, or nutmegs, furs and skins of the produce of and imported from any British colony or plantation in America, Spanish wool imported, tobacco, coffee, cocoa-nuts, or rice, imported and warehoused until the same shall be taken out of such warehouse for the purpose of being used or consumed in this kingdom. Duties not to extend to certain articles, nor to be put upon goods warehoused until the same shall have been taken out for consumption. Sect. 17.

The three following sections, viz. the eighteenth, nineteenth, and twentieth, relate to goods imported by the East India Company.

Where by the table C, by this act referred to, the duties on exportation of goods are charged according to the value, it shall be taken as at the port of exportation, deducting the duties; and if not truly valued, they may be detained by the officers of the customs, &c. Value of goods shall be taken at the port of exportation. Sect. 22.

If, on entry of such goods for exportation, the exporter cannot ascertain the true value, they may be exported, on giving bond in treble the amount of the supposed value to pay the duties in three months. Sect. 23.



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What goods are not chargeable with new duties. 38 Geo. 3. c 76. f. 24.

New duties not chargeable on goods of the production of Ireland, imported from thence into this kingdom, nor goods exported to Ireland, nor to goods imported from or exported to Hudſon's Bay by the Company, nor to any goods, wares, or merchandize, of the growth, produce, or manufacture of the iſlands of Guernſey, Jerſey, Alderney, Sark, or Man, upon the direct importation of ſuch goods into Great Britain, if ſuch goods were allowed to be imported before the preſent act.

Sect. 25.

This act not to extend to goods exported to the Iſle of Man by authority of the commiſſioners of cuſtoms, nor to exported cotton manufacture of Great Britain.

Not to extend to certain articles exported to Newfoundland. Sect. 26.

Nothing in this act ſhall extend to charge with the new and additional cuſtoms the following articles exported from this kingdom to Newfoundland, viz. any ſort of craft, food, victuals, cloathing, or other goods fit and neceſſary for the Britiſh fiſhery eſtabliſhed in the ſaid iſland, or for the uſe and ſupport of the mariners in carrying on the ſaid fiſhery.

Importer of the produce of Newfoundland may give bond in treble the ſuppoſed duty.

Importers of the produce of the Newfoundland fiſhery, directly from Newfoundland, may give bond in treble the ſuppoſed duty, that it ſhall be exported, or that the additional duties ſhall be paid.

Sect. 27.

In all caſes where the new and additional duties of cuſtoms ſhall be paid down in ready money at the time of making the entry, a diſcount of two and one half *per cent.* ſhall be allowed and deducted.

Sect. 28.

Perſons making a falſe declaration of the value of goods ſhipped for exportation to forfeit the true value.

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Fees not to be taken for any additional entry on account of new duties. 38 Geo. 3. c. 76. ſ. 29.

The bonds to be taken in purſuance of this act not to be chargeable with ſtamp duties. Sect. 30.

The commiſſioners of the cuſtoms may order entry to be amended of goods detained on account of not being duly valued, upon ſuch terms as they think fit; and if accepted, the proprietor ſhall not be entitled to damage. Sect. 31.

The thirty-ſecond, thirty-third, and thirty-fourth ſections relate to certain duties of TONNAGE, which will be found under that head.

By the thirty fifth and thirty-ſixth ſections, the duties are to be under the management of the commiſſioners of the cuſtoms; and the additional duties are to be managed as former duties; and the goods are to be ſubject to the rules to which goods liable to cuſtom duties are ſubject.

The two following ſections, viz. the thirty-ſixth and thirty-ſeventh, relate to the payment of the duties into the exchequer, and the application of the duties.

Actions to be commenced within three calendar months next after the fact committed. Limitations of action. Sect. 39.

Until the ſigning the preliminary articles of peace *. Duration of this act. Sect. 40.

* For further particulars, ſee SMUGGLERS, SMUGGLING, RUM GOODS, &c.



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## Deſerters.

THE ſtatutes relative to this head are more ancient than copious; and by the ſixteenth article of war, which ſubjects deſerters to be tried and puniſhed by a court martial, they are now but ſeldom put in force.

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By an act of 2 Rich. 2. ſtat. 1. c. 4. intituled,

"The Penalty of Mariners retained to ſerve "the King on the Sea, which do depart with- "out Licence,"

It is thus enacted,

"Becauſe that divers mariners after that they "be arreſted and detained for the king's ſer- "vice upon the ſea in defence of the realm, "and thereof have received their wages per- "taining, do flee out of the ſaid ſervice without "licence of the admirals, or of their lieute- "nants, to the great damage of the king and "his realm, and hinderance of the ſaid voy- "ages;"

Penalty upon mariners departing without licence. 2 Rich. 2. ſt. 1. c. 4.

It is ordained and ſtabliſhed, that all thoſe mariners which from henceforth ſhall do in ſuch manner, and that truly found and proved before the admiral or his lieutenant, ſhall be holden to reſtore to our ſovereign lord the king, double of what they have taken for their wages, and nevertheleſs ſhall have one year's impriſonment, without being delivered by mainprize, bail, or by other way.—And the king will and commandeth all ſheriffs, mayors, and bailiffs, at the certification of the ſaid admirals



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or their lieutenants, by their letters thereof to be, teſtifying the ſaid proof incontinent, without waiting any other command of the king to take and attach all fugitive mariners, &c. and put them in priſon, there to remain in good and ſure keeping till they have *made gree* to the king as afore is ſaid, and thereof have the ſpecial command of the king for their deliverance. And like puniſhment ſhall be made of ſerjeants of arms, maſters of ſhips, and all others that ſhall be attainted by enquiry before the admiral or his lieutenant aforeſaid, that they have anything taken of the ſaid mariners for to ſuffer them to go at large out of the ſaid ſervice after that they have been arreſted for the ſame ſervice. 2 Rich. 2. ſt. 1. c. 4.

By an act, 18 Hen. 6. c. 19. intituled,

"The Penalty of a Soldier not going with or "departing from his Captain without Li-"cence,"

It is made felony for a ſoldier to leave his captain without leave; and juſtices of the peace have power to enquire of and determine the ſame; and the chief officers of ports, &c. ſhall arreſt ſoldiers returning from beyond ſea, and detain them until the cauſe of their return be tried, 18 Hen. 6. c. 19.

By an act, intituled,

"An Act touching politic Conſtitutions for "the Maintenance of the Navy,"

Doubts having been entertained whether the preceding act, 18 Hen. 6. c. 19. did or ought to extend unto mariners and gunners ſerving on the ſeas, it was enacted,

That the ſaid eſtatute made in the 18th year of Henry VI. in all pains, forfeitures, and other 18 Hen. 6. c. 19 extended to gunners and mariners.



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things, did, doth, and hereafter ſhall extend, as well to all and every mariner and gunner having taken, or ſhall hereafter take, *preſt* or wages to ſerve the queen's majeſty, her heirs or ſucceſſors, to all intents and purpoſes as the ſame did or doth unto any ſoldier.

Perſons deſerting, or receiving deſerters, &c to ſuffer death, &c. 22 Geo. 2. c. 33.

By the ſixteenth article of war, perſons deſerting, or receiving deſerters, or enticing perſons to deſert, "ſhall ſuffer death, or ſuch "other puniſhment as the circumſtances of "the offence ſhall deſerve, and a court martial "ſhall think fit; and if any commanding "officer of any of his majeſty's ſhips or veſſels "of war ſhall receive or entertain a deſerter "from any other of his majeſty's ſhips or "veſſels after diſcovering him to be ſuch de-"ſerter, and ſhall not with all convenient "ſpeed give notice to the captain of the ſhip to "which he belongs; or, if the ſhips are at a "conſiderable diſtance from each other, to the "ſecretary of the admiralty, or to the comman-"der in chief; every perſon ſo offending, and "being convicted thereof by the ſentence of "the court martial, ſhall be caſhiered."

Deſerters, &c. on ſhore. 22 Geo. 2.

By the thirty-fourth article, perſons in actual ſervice and in full pay, who ſhall be guilty of mutiny and deſertion in any part of his majeſty's dominions on ſhore, when in actual ſervice relative to the fleet, ſhall be liable to be tried by a court martial, and ſuffer the like puniſhment for every ſuch offence as if the ſame had been committed at ſea.

The numerous abuſes ariſing from the deſertion of ſeamen in the Weſt India Trade, induced the legiſlature to paſs an act, in the 37th year of his preſent majeſty, intituled,

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" An Act for preventing the Deſertion of " Seamen from Britiſh Merchant Ships trading " to his Majeſty's Colonies and Plantations in " the Weſt Indies." 37 Geo. 3.

Seamen deſerting forfeit their wages. Sect. 1.

From the firſt of July 1797, every ſeamen, mariner, and other perſon, who ſhall deſert at any time during the voyage, either out or home, from any Britiſh merchant ſhip trading to or from the Weſt India Colonies or Plantations, ſhall, over and above all puniſhments, penalties, and forfeitures, to which he is now by law ſubject, forfeit all the wages he may have agreed for with, or be entitled to, during the voyage, from the maſter or owner of the ſhip on board of which he ſhall enter, immediately after ſuch deſertion.

Maſters hiring ſeamen who have deſerted.

Every maſter or commander of any Britiſh merchant ſhip, who ſhall hire or engage to ſerve on board his ſhip or veſſel any ſeaman, &c. who ſhall, to the knowledge of ſuch maſter, have deſerted from any other ſhip or veſſel, ſhall forfeit and pay 100l. *

* For further particulars relative to forfeitures, &c. of ſeamen deſerting, ſee GREENWICH HOSPITAL, SEAMEN, NAVY AND MERCHANT SERVICE, PRIZES, &c.

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## Fish, Fisheries, and Fishermen.

| | |
|---|---|
| Greenland and Davis's Streights, | British { Herring, Mackerel, Oyster, Thames. |
| Southern Whale, | |
| Newfoundland, | |

THIS moſt important diviſion, whether conſidered with reference to political economy, or as conducive to the perfection of the maritime ſtate, has at various times occupied that attention of the Legiſlature which an object of ſo much national concern ſo juſtly demanded. Fiſheries have been moſt appropriately termed by Dr. Franklin, the agriculture of the ocean; nor, with reſpect to population, which is allowed by all writers to conſtitute the true wealth of a ſtate, are they leſs productive than the cultivation of the ſoil. The fiſheries of America, are conſidered by the writer above quoted, as one of her higheſt advantages; the fertile ſource of population and of wealth; and it was to her fiſheries, before her government had been diſorganized, that Holland was indebted for her commercial and political conſequence. Independently conſidered as a ſource of wealth, as a nurſery for her ſeamen, and a ready means of manning a formidable navy, her fiſheries are of the higheſt importance to Great Britain. Accordingly, fiſh have not only been allowed to be imported duty free, but conſiderable bounties have, from time to time, been granted upon their exportation. "Theſe bounties," ſays the writer on "The "Wealth of Nations," "although in ſome degree expenſive "to the State, yet, when we conſider the maritime ſtrength "acquired by ſuch encouragement, are nevertheleſs judici- "ouſly advanced;" and if the increaſe of population, generally conſidered, conſtitutes the wealth of the nation, how much more may the experience and ſervices of that uſeful

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claſs of the community, who form our beſt and ſureſt defence, to ſay nothing of the emoluments reſulting to the merchant and manufacturer, be conſidered as cheaply purchaſed by the ſums expended in bounties.

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The encouragement of fiſheries ſeems, at a very remote period, to have been an object of national concern; for

So early as the reign of Edward VI. we find the legiſlature reſtraining admirals, or any of their officers or miniſters, from taking any fee or reward for licences to go to Iceland, Newfoundland, or beyond ſea, to fiſh, upon pain of forfeiture for the firſt offence treble the value of the reward, and for the ſecond offence to loſe their offices. Edward VI. 2 & 3 Edw. 6. c. 6.

The ſubſequent acts extend to all his majeſty's ſubjects, the enjoyment of foreign fiſhing, and allow bounties under certain judicious reſtrictions; ſuch as, that the fiſh imported ſhall be in Britiſh bottoms; that a certain proportion of the ſeamen ſhall be Britiſh ſubjects, &c.: they alſo preſcribe the mode in which theſe bounties are to be obtained. Theſe bounties have been from time to time continued; and by an act combining policy with liberality, it has been further enacted, that foreigners engaged for a certain time in theſe fiſheries ſhall be naturalized.

Such is the ſubſtance of the ſubſequent acts, as far as they relate to the ſeveral fiſheries of Greenland and Davis's Streights, Southern Whale Fiſhery, and the Thames Fiſhery, &c. —By the acts relative to the latter, the ſuperintendance of the River is veſted in the corporation of the city of London; and every perſon

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who ſhall uſe the Thames fiſhery ſhall have ſome mark of diſtinction placed upon the boat, both for the purpoſes of better detection in violating the proviſions of the act, and, as the preamble ſtates, "that her majeſty may be "better enabled to know what number of able-"bodied ſeamen the Fiſhmongers Company "can furniſh for public ſervice."

## FISHERIES *of* GREENLAND *and* DAVIS'S STREIGHTS.

Bounties. 25 Car. 2. c. 7. ſ. 1.

ALL perſons may trade to Greenland, and import oil, blubber, and fins, duty free, when brought in Britiſh ſhips; but ſhips belonging to any of his majeſty's colonies or plantations, importing ſuch oil, blubber, &c. to pay 6s. for every ton; and for every ton of whale fins taken and imported in ſuch ſhips 50s.; and for every ton of oil taken by ſuch ſhips, but imported in Engliſh ſhips, 3s.; and for every ton of whale fins ſo taken and imported 25s.; oil and blubber of foreign fiſhing 9l. per ton; and for every ton of whale fins of foreign fiſhing 18l. *: one moiety of the harpooners and mariners may be Engliſh †.

Sect. 2.

No ſhips to enjoy any benefit or privilege of this act, unleſs they ſail from England, Wales, or the town of Berwick upon Tweed, and were victualled for the voyage in ſome of thoſe places, to be atteſted by the collectors of ſuch ports.

* But ſee the following acts, 26th, 29th, 32d, and 38th George III. whereby theſe bounties have been altered.

By 27 Geo 3 c. 28. Fiſh caught by any of his majeſty's European ſubjects may be imported without paying any duty.

† One third Engliſh mariners is ſufficient by 4 & 5 W. & M. c. 17. ſ. 27.

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Whale fins taken from whales caught by British subjects in the River St. Laurence, or on the coasts of the British colonies, may be imported in British ships duly navigated, paying no other duty than the old subsidy. 25 Car. 2. c 7. 4 Geo 3. c. 29. s. 1 & 2.

Ships to Greenland may be navigated with only one-third English, provided they proceed on their voyage from England, &c. and are victualled there for the voyage. 4 & 5 W. & M. c. 17. s. 27, 28.

Any subjects of her majesty may trade to Greenland. 1 Anne, st. 1. c. 16.

No harpooner or foreigner permitted by the act for carrying on the fisheries shall be impressed. 1 Anne, st. 1. c 16. s. 2. 13 Geo. 2. c 28. s. 5.

Whale fins, oil, or blubber, seal skins, or any other produce of seals or other fish, caught in the Greenland Seas and Davis's Streights, imported by British subjects, to be duty free during the term of nine years. Whale fins, &c. to be imported duty free. 5 Geo 2 c. 28.

British ships of the burthen of two hundred tons and upwards, intending to proceed on the whale fishery to Greenland or Davis's Streights, shall, before they proceed on such voyage, or be entitled to any benefit by this act, be visited by the proper officer of the customs of the port from which they sail, who is to examine the ship, and take an account of her tonnage, which he is to certify to the commissioners of the customs; and if it appears by the certificate that she has a sufficient number of men, provisions, boats, fishing lines, and instruments to be used in such fishery; that she is strongly built, and a proper ship for the voyage; and has a sufficient number of harpooners, steersmen, and line managers (specifying their names in the certificate), with an oath written at the Officer of the customs to report the state of the ship, and the commissioners of the customs to give full licence and authority to proceed on the voyage. 6 Geo. 2. c. 33.



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6 Geo. 2. c. 33. foot of the certificate, which is to be made before the collector and comptroller of such port, by the owners and master, that the ship is to proceed as soon as licence shall be granted, to Greenland or Davis's Streights, and no other design but the whale fishery, and to import the whale fins and blubber into the kingdom of Great Britain (naming the port to which they intend to return), and the master, after having such certificate and making such oath, do also become bound, with two sufficient securities, in the penalty of treble the bounty intended by this act; then any three or more of the commissioners of the customs in England or Scotland, on receiving such certificates and oaths, are to give the master and owners full licence and authority to proceed on the voyage.

Number of men and tackle to be kept on board by ships engaged in this fishery. Sect. 2.

Every ship of the burthen of two hundred tons designed for this fishery, shall be obliged to have on board *forty fishing lines of one hundred and twenty fathoms each, forty harpoon irons, four boats with seven men, including a harpooner, a steersman, and a line manager to each boat* (making in the whole *twenty-eight men*, besides the *master and surgeon)*, with *six months provisions* at the least, corresponding to the number of men; and every ship of larger burthen an increase of *six men, one boat, ten lines*, and *ten harpoon irons, more*, for every *fifty tons* above two hundred, together with provisions in proportion.

Officers of the customs to certify that ships employed in the fisheries have conformed to the act, to be entitled to the bounty of 30s. per ton shall be extended to the master and owners engaged in such ships.

The ship on her return to be visited by the officers of the customs, who are to take an account of the names of the master, mate, and other persons on board, and to certify the same; and the master and mate shall make oath on the bounties. 6 Geo. 2 c. 33. f. 3.—By Geo. 3. c. 41. f. 3 the

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back of, or annexed to the licence, before the collector and comptroller of the customs, that they did in pursuance thereof proceed (mentioning the day of departure) in a voyage directly to the places aforesaid, and have not since been on any other voyage (mentioning the time of their stay in those seas); and that all the whale fins, oil, and blubber, imported in such ship, were really caught by the crew of such ship only; which certificate, licence, and oath, shall be transmitted by the collector and comptroller of such port to the commissioners for that port from whence the ship departed; who being satisfied with the faithful dealings of the master, &c. shall, on demand, cause payment to be made, by the receiver-general of the customs, of 20*s. per ton*, according to the measurement of the ship.—Continued by various subsequent acts. 6 Geo. 2. c. 33.

No harpooner, line manager, boat steerer, or seaman in the Greenland fishery, to be pressed; and they may sail in the coal trade at other times of the year, giving security to return to the fishery. 13 Geo. 2. c. 28. s. 5.

A second bounty, over and above the former of 20s. a ton, extended. 22 Geo. 2. c. 45. s. 3. Continued by Geo. 3.

Vessels built in America of two hundred tons burthen and upwards, and not above two years old, may be licensed for the whale fishery, and entitled to the bounties. 22 Geo 2. c. 45. s. 5, 6, 7.

Foreign Protestants serving three years in the whale fishery, and taking and subscribing the prescribed oath, shall be naturalized. Sect. 8, 9.

The bounty of 40s. per ton to be paid out of any other monies, if the old subsidy be deficient. 28 Geo. 2. c. 20. s. 4.

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28 Geo. 2. c. 20. s. 5. Every ſhip ſhall have an apprentice bound for three years at leaſt for every fifty tons burthen, who ſhall be reckoned as part of the complement.

Sect. 6. No greater bounty to be paid than for four hundred tons, although the ſhip ſhould meaſure more.

Sect. 7. Ships above four hundred tons to be equipped and manned as ſhips of four hundred tons.

Sect. 8. Ships under two hundred tons, conforming to the regulations of ſhips of two hundred tons, to be paid the bounty of 40s. per ton.

Sect. 10. The commiſſioners of the cuſtoms to report to parliament the number of ſhips employed in the fiſheries.

Sect. 12. Owners of ſhips employed in the fiſheries may inſure the bounty.

Sections of an act, intituled,

"An Act for the further Support and Encouragement of the Fiſheries carried on in the Greenland Seas."

26 Geo 3 c. 41. The preamble to this act recites, that theſe fiſheries "had been raiſed, by the bounties and encouragements already given, to a very flouriſhing condition; that theſe bounties were about to ceaſe and expire; that it would be proper further to encourage and ſupport the ſaid fiſheries, by granting to the ſhips employed therein ſuch other bounties as the ſtate of the public revenue might juſtify, and the nature and condition of the ſaid fiſheries appeared then to require."

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For five years from December 25, 1786, Britiſh ſhips going on the whale fiſhery muſt be viſited by an officer of the cuſtoms, who ſhall take an account of the tonnage thereof by admeaſurement, and certify his viſitation, and examination and admeaſurement, to the commiſſioners of the cuſtoms; and if it ſhall appear by that certificate that the ſhip is legally qualified for the voyage, by being navigated by a maſter and three-fourths Britiſh ſubjects, and hath on board ſuch a number of men, proviſions, boats, fiſhing lines, and inſtruments to be uſed in ſuch fiſhery, as hereinafter mentioned: and if it further appears by the oath of one or more owners, and of the maſter or chief officer of ſuch ſhip or veſſel, written at the foot of ſuch certificate, and made before the principal officer of the cuſtoms of ſuch port, or any two of them, whereof the collector to be one, that it is the intention to proceed forthwith thereon, and to import whale fins, &c. into Great Britain, the commiſſioners, on ſecurity being given, may grant licence to the ſhip.

For five years from December 25, 1786, Britiſh ſhips going on the whale fiſhery to be viſited by an officer of the cuſtoms, who ſhall certify the admeaſurement. 26 Geo. 3 c. 41.

Every ſhip of the burthen of two hundred tons deſigned for this fiſhery, ſhall have on board forty fiſhing lines of one hundred and twenty fathom each, forty harpoon irons, four boats with ſeven men at the leaſt (including a harpooner, a ſteerſman, and a line manager) to each boat, making in the whole twenty-eight men, beſides the maſter and ſurgeon, with ſix months proviſion at the leaſt for ſuch number of men; and every ſhip of larger burthen, an increaſe of ſix men, one boat, ten ſuch lines, and ten harpoon irons more, for every fifty tons above the ſaid two hundred tons, together with proviſions in proportion; and every ſhip which

What number of men, fiſhing lines, &c. muſt be on board. Sect. 2.



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26 Geo. 3. c 41. shall be so employed in the said fishery, shall have on board apprentices indentured for the space of three years at the least, who shall not exceed the age of eighteen years, nor be under fourteen years of age, at the time they shall be so indentured, in the proportion of one apprentice at the least for every thirty-five tons burthen, and one fresh or green man for every fifty tons burthen; which apprentices and fresh and green men shall be accounted in the number of men required to be on board such ship.

Officers of the customs, on return of the ship to Great Britain, shall make a report of her condition, &c. and oath shall be made that there has been no deviation from the conditions on which the certificate was granted; which documents shall be transmitted to the commissioners, who shall order a bounty of 20s. per ton. Sect. 3.

On the return of such ship to Great Britain, the proper officer of the customs shall immediately repair on board, and certify the condition of such ship and her lading, and certify the same, with his observations thereon, and also the real tonnage of the said ship; and take an account or schedule of the names of the master, mate, and other persons on board, and certify the same; and oath being made before the principal officer of the customs, or any two of them, whereof the collector to be one, by the master and mate, that they did, pursuant to the licence, proceed on the voyage directly, and have not deviated from the conditions upon which the certificate was granted, and that all the whale fins, oil, and blubber, imported, were really and *bona fide* caught in the said seas by the crew of such ship or vessel only, or with the assistance of the crew of some other British built ship licensed for the same voyage, pursuant to the directions of the act; which oath shall be indorsed on or annexed to the licence: and the said schedule, certificate, licence, and oath, shall be transmitted by the collector and comptroller of such port to the respective commissioners where such ships shall arrive; and such

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commiſſioners being fully ſatisfied of the faithful dealings of the maſter and other perſons employed, ſhall, on demand, cauſe payment to be made to the maſter or owners, or his or their aſſigns, by the receiver-general of that port where ſuch ſhips ſhall arrive, a bounty or premium of 30s. per ton, according to the admeaſurement of ſuch ſhip duly certified as aforeſaid. 26 Geo. 3. c. 41.

No perſon ſhall be entitled to receive the bounty for any ſhip which may proceed on the fiſhery from any part of Great Britain, &c. after the twenty fifth of December 1786, unleſs ſuch ſhip ſhall ſail from the port where ſhe cleared on or before the tenth of April in each year, and continue in the Greenland Seas, Davis's Streights, or ſeas adjacent, endeavouring to catch whales, and not depart thence, before the tenth of Auguſt next following, unleſs ſuch ſhip, if three hundred tons, be laden with thirty ton of oil, or blubber in proportion, and one ton and a half of whale fins, and ſo on in like proportion to the tonnage for which ſuch ſhip is entitled to bounty, or be forced by accident to depart thoſe ſeas; which ſhall be verified on oath by the maſter and mate on her return, before two principal officers of the cuſtoms (the collector being one), who ſhall tranſmit the ſame and other documents to the commiſſioners of the cuſtoms for that part of Great Britain where ſuch ſhip ſhall arrive.

No perſon ſhall be entitled to bounty, unleſs the ſhip ſails from the port of ſurvey before the tenth of Auguſt* yearly, and continues fiſhing till the tenth of Auguſt following, unleſs laden with the quantity of oil, &c. therein ſpecified, or forced by unavoidable accident to depart ſooner; which ſhall be verified upon oath, and tranſmitted, with the other documents, to the commiſſioners of the cuſtoms. Sect. 4.

Any ſhip or veſſel that ſhall not ſail from the port where ſhe cleared, on or before the tenth of April in any year, ſhould it be made appear to the ſatisfaction of the commiſſioners of the cuſtoms, that ſuch ſhip was fitted out and ready

Ships prevented from ſailing by unavoidable impediment to be entitled to the bounties. Sect. 5.

* But ſee 29 Geo 3. c 53.



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26 Geo. 3. c. 41. for ſailing before the time above-mentioned, but was prevented by unavoidable impediment, but ſhall have ſailed before the twenty-fifth of April; it ſhall be lawful for the commiſſioners aforeſaid to pay ſuch bounty as if ſuch ſhip had ſailed prior to the tenth of April.

Commiſſioners of the cuſtoms in England or Scotland to pay the bounties. Sect. 6.

The commiſſioners of cuſtoms in England and Scotland ſhall order the receivers-general of the cuſtoms, in caſe the money in their hands ſhall not be ſufficient, during the continuance of this act, to ſatisfy the bounty of 30s. per ton out of any monies in their hands for duties, revenues, &c.

Ships of 150 tons burthen entitled to the bounty. Sect. 7.

Every owner of any ſhip of one hundred and fifty tons employed in the fiſhery, who has conformed to the rules and forms preſcribed in proportion to their tonnage, not leſs, however, than one hundred and fifty tons, ſhall be entitled to the bounty agreeable to the ſhip's meaſurement.

No ſhip ſhall be entitled to a larger bounty than for 300 tons.—Sect. 8. Sect. 10.

No ſhip above the burthen of four hundred tons ſhall receive a larger bounty than a ſhip of four hundred.

No bounty ſhall be allowed to any ſhip where a log-book has not been properly kept.

Maſter ſhall produce ſhip's log-book to ſuch commanding officer of the navy as he may fall in with, who ſhall ſubſcribe the ſame. Sect. 11.

In caſe any ſhip ſhall fall in with any of his majeſty's ſhips of war, the maſter ſhall produce to the commanding officer of ſuch ſhip of war the ſhip's log-book, and ſuch commanding officer ſhall make a memorandum on the day produced to him, and ſign his name, and alſo make an entry in the log-book of the ſaid ſhip or veſſel of war, of the name and deſcription of the ſhip on board which the log-book was ſo produced to and ſigned by him; and in caſe ſuch ſhip ſhall put into a foreign port where

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there is a Britiſh conſul or officer, the maſter ſhall produce ſuch log-book, to ſuch Britiſh conſul or officer, who ſhall make a memorandum, and ſubſcribe as before. 26 Geo. 3. c 42.

The owners may inſure the bounty in caſe of the loſs of the ſhip. Sect. 13.

Whale fins, oil, or blubber of whales, ſeal oil, or ſeal ſkins, or any other produce of ſeals or fiſh caught in the ſeas of Greenland or Davis's Streights, or parts adjacent, may be imported duty free. Sect. 14.

No articles to be exported duty free, unleſs the maſter or mate of the ſhip importing the ſame ſhall firſt make oath, before the collector and another officer of the cuſtoms in the port of importation, that all the whale fins, oil, &c. imported are *bona fide* the produce of whales caught and taken in the Greenland Seas, or Davis's Streights, or ſeas adjacent, by the crews of ſuch ſhips, owned, fitted out, and navigated as aforeſaid. Oath to be made, that all the articles imported are the produce of whales caught in the places preſcribed by this act. Sect. 15.

Any perſon or perſons granting a falſe certificate for any of the purpoſes directed by this act, ſhall forfeit the ſum of 500l.; and if any perſon ſhall counterfeit, eraſe, or alter any certificate directed by this act, or knowingly make uſe of any falſe certificate, ſuch perſons ſhall forfeit 500l. and the certificates be of no effect. Penalty on altering certificates. Sect. 16.

No harpooner, line manager, or boat-ſteerer, belonging to any ſhip in this trade, ſhall be impreſſed from this ſervice, but may, when unemployed therein, ſail in the collier trade, on giving ſecurity to return the next ſeaſon. Common ſeamen are protected till the end of the ſeaſon after entry. No harpooner, &c. ſhall be impreſſed. Sect. 17.



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Limits of the Greenland Seas and Davis's Streights. Sect. 18.

The Greenland Seas, Davis's Streights, and ſeas adjacent, ſhall be deemed and extend to the latitude of fifty-nine degrees, thirty minutes north, and no farther.

Commiſſioners of the cuſtoms may report to parliament the number and other particulars of veſſels employed in this fiſhery. Sect. 19.

The commiſſioners of the cuſtoms for England and Scotland, ſhall, at the beginning of every ſeſſion of parliament, lay before both houſes, the number of ſhips or veſſels employed in the ſaid fiſhery, with their names and burthens, where fitted out, and at what port diſcharged; alſo what quantity of oil, or blubber, or whale fins, each ſhip ſhall have imported.

Application of penalties. Sect. 20.

One moiety of penalties and forfeitures ſhall be to the uſe of his majeſty, and the other to ſuch officer or officers of the cuſtoms as ſhall proſecute for the ſame.

General iſſue. Sect. 21.

Should any action be commenced for anything done in purſuance of this act, the defendant may plead the general iſſue, and give this act and ſpecial matter in evidence; and if the plaintiff ſhall be nonſuited, the defendant or defendants ſhall recover treble coſts.

The 29 Geo. 3. c. 52. ſ. 2. after reciting the 26 Geo. 3. c. 41. and that "it is thought expedient that the owners of ſhips employed in the Greenland fiſhery, ſhould be allowed to receive the bounty granted by that act, although ſuch ſhips depart from thoſe ſeas before the tenth day of Auguſt then following, and although they be not laden with the quantity of whale fins, and of oil or blubber in proportion thereto, required by the ſaid act, in caſe it ſhall appear by the log-books of ſuch ſhips that they have not departed from thoſe ſeas till the end of ſixteen weeks from the day they reſpectively ſailed



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" from the ports where they were ſurveyed and " cleared out," enacts as follows: 29 Geo. 3. c. 52.

After January 1, 1790, ſhips to be entitled to the bounties granted by the 26 Geo. 3. that ſhall ſail by April 10 yearly, though they leave the Greenland Seas or Davis's Streights before Auguſt 10 following, and ſhall not be laden agreeable to the regulations of the above-recited act, in caſe it ſhall appear by the log-book of ſuch ſhip, that ſhe continued with her crew in the ſaid ſeas, diligently endeavouring to catch whales, &c. and did not depart from thence till the expiration of ſixteen weeks from the time of her ſailing from the port where ſhe ſhall have been ſurveyed and cleared out, provided ſuch ſhip ſhall not have touched at any other port during her voyage, and ſhall have complied with all the other regulations, conditions, and reſtrictions, impoſed by the ſaid act. After January 1, 1790, ſhips to be entitled to bounties, although leaving the Greenland Seas before Auguſt 10 following, upon the conditions hereinſpecified. Sect. 2.

Fiſh caught by any veſſels built in his majeſty's dominions, and owned by his majeſty's European ſubjects, may be imported without paying any duty. 27 Geo. 3. c. 13. ſ. 32.

Any maſter permitting an apprentice indentured purſuant to the preceding acts to quit his ſervice before the expiration of his term to forfeit 50l. 29 Geo. 3. c. 53. ſ. 5.

Unleſs ſuch apprentice be diſcharged before a magiſtrate, or turned over to another maſter employed in the ſaid fiſheries. Sect. 6.

No bounty or premium to be paid under the above acts, unleſs the names of the ſhips on board which apprentices are bound to ſerve be inſerted in the indentures. Sect. 7.



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32 Geo. 3. c. 22. f. 7, 8. Apprentices time expiring before expiration of the voyage, to be conſidered as apprentices during the whole of the voyage.

In caſe the time for which any apprentice ſhall have been indentured to ſerve on board any ſhip or veſſel employed in the ſaid fiſheries, ſhall expire during the voyage of ſuch ſhip or veſſel, ſuch apprentice ſhall be accounted and conſidered, to all intents and purpoſes, as an apprentice for the whole voyage, and ſhall, on the ſhips or veſſels return from the ſaid fiſheries, or either of them, be muſtered accordingly. But no apprentice ſhall be deemed a legal apprentice, except apprentices who have become ſuch previous to the paſſing of this act, unleſs he ſhall be a ſubject of his majeſty.

Whale fins, &c. imported duty free. Sect. 4.

Fins, oil, or blubber, ſeal oil or ſeal ſkins, or any other produce of ſeals, or other fiſh or creatures, taken or caught in any part of the ocean, by Britiſh ſubjects, uſually reſiding in Great Britain or Ireland, or the iſlands of Guernſey, Jerſey, Alderney, Sark, or Man, in ſhips or veſſels built in either of the ſaid kingdoms or iſlands, owned, regiſtered, and navigated according to law, may be imported duty free; upon proof being made that the ſaid articles were actually caught by the crew of the veſſel in which they are imported, by oath of the maſter of ſuch veſſel, and provided that a log-book ſhall be conſtantly kept on board ſuch ſhip, as required by 26 Geo. 3. c. 41. ſ. 10.

Sect. 6.

No boat uſed as a whale boat, belonging to any ſhip or veſſel employed in the ſaid fiſhery, or in the fiſhery carried on in the ſeas to the ſouthward of Greenland and Davis's Streights, ſhall be liable to ſeizure on account of her built, dimenſions, or conſtruction, provided, on the return of ſuch ſhip or veſſel from the fiſhe-

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ries at the end of every ſeaſon, ſuch boats ſhall be laid up by the owner or owners thereof, in ſuch places as ſhall be approved of by the principal officers of the cuſtoms. 32 Geo. 3. c. 22.

From the 5th of March 1794, and during the preſent hoſtilities with France, veſſels that are not provided with their complement of men at the port from whence they clear out, may proceed to any of the ports in the Firth of Clyde, or in Lough Ryan, or to Lerwick in the Iſle of Shetland, or to Kirkwall in the Orkneys, and complete their number there, provided the number wanted do not exceed three common men for every fifty tons burthen. Upon the return, thoſe men may be ſet on ſhore where they were taken on board; and upon producing a certificate thereof from the collector and comptroller of the cuſtoms, and the maſter or mate making oath thereof, ſuch ſhips will be deemed to have had their full complements from their clearing port. 34 Geo. 3. c 22. Ships not furniſhed with their complement of men, may complete their number in the Firth of Clyde, &c.

So much of the 26 Geo. 3. c. 41. and 29 Geo. 3. as relates to the above fiſheries, by an act paſſed on the twelfth of July 1799, is continued to the twenty-fifth of December 1800. 39 Geo. 3. c. 121.

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## Southern Whale Fishery.

UPON the Reſtoration, when the Nation began to recover from the Republican frenzy and fanaticiſm by which it had been depreſſed, the Parliament directed its attention to thoſe great objects of national economy in which other States had made no ſmall progreſs, and from which they derived no ſmall degree of emolument. The product of the Whale Fiſheries was obſerved to be a very profitable and conſiderable ſource of wealth to neighbouring nations, by giving employment to great numbers of ſeamen and ſhipping, who not only ſupplied themſelves with the produce of the Whale Fiſheries, but exported it into other countries, and particularly into this kingdom, where, to uſe the language of the ſtatute, the trade was in a manner decayed and loſt. By the induſtrious and vigilant attention of the Dutch to this important ſource of daily-accumulating wealth, they were enabled, by ſupplying other countries, to draw out conſiderable wealth, and thereby make thoſe countries ſo ſupplied contribute to their commercial and national aggrandizement. The legiſlators of this country ſaw this with a jealous eye, and laudably exerted themſelves to awaken the people to a true ſenſe of the emoluments to be derived from cultivating thoſe advantages which, from the ſituation of the country, were capable of ſo much improvement. Accordingly, perſons hitherto deterred from embarking their property in this traffic were encouraged by bounties, premiums, exemptions from duty, &c. which have been amply repaid by the increaſe of ſhipping and wealth which theſe encouragements were ſo well calculated to ſecure. But not to the Whale Fiſheries alone has the Britiſh legiſlature ſtretched out a protecting arm, the Fiſheries upon our own coaſts have been alſo promoted, protected, and encouraged; and although the detailing of the ſeveral comparatively minuter diviſions, ſuch as the Thames, Oyſter, Herring, &c. may occupy perhaps a larger portion of this work than may appear appropriately diſtributive compared

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with other heads, yet our desire to convey the most extensive information upon so important a subject, and to render this head as complete as possible, has induced us to assign a larger portion of space than was originally intended; and we trust in so doing we shall not be censured, at least by the numerous individuals connected with the Fisheries.

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By an act, intituled,

"An Act for further encouraging and regulating the Newfoundland, Greenland, and Southern Whale Fisheries." 29 Geo. 3. c. 53.

The three first sections of this act recite the 26 Geo. 3. c. 41. and 28 Geo. 3. c. 20. which are now repealed by 35 and 38 Geo. 3. chap. 92. and 57. except as to vessels cleared out before November 1, 1795.

Penalty of 50l. upon masters permitting apprentices to quit their service before expiration of their indentures. Sect. 5, 6, 7. See also 35 Geo. 3. c. 92. s. 9, 10.

After January 1, 1790, any master permitting an apprentice to quit his service before the expiration of his term, shall forfeit 50l. unless such apprentice be legally discharged before a magistrate, or be turned over to another master in the said fishery; and no premium shall be allowed, unless the names of the ships on board which such apprentices are bound to serve, or to which they are to be turned over, be inserted in the indentures.

35 Geo. 3. c. 92. Premiums to twenty-eight ships.

The several premiums hereafter mentioned shall be paid for three years from the first of January 1776 to *twenty-eight* ships or vessels employed in the said fishery, under the restrictions hereinafter expressed, that is to say, every such ship or vessel shall appear by her register to be British built, and shall be fitted and cleared out from some port of Great Britain or Ireland, or the island of Jersey, Guernsey, or Man, and shall be wholly owned by his majesty's subjects

Ships to be British built, &c. Sect. 2.

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35 Geo. 3 c 92. uſually reſiding in any of the dominions aforeſaid, and navigated as hereinafter directed.

Premium to fifteen ſhips going to the ſouthward of the equator. Sect. 3. *

For fifteen of ſuch ſhips ſo fitted and cleared out between the firſt of January and the thirty-firſt of December in each year, and which ſhall have ſailed to the ſouthward of the equator, and have there *bona fide* carried on the ſaid fiſhery, and ſhall return before the firſt of December in the ſubſequent year to ſome port of Great Britain, there ſhall be paid the following premiums, viz. 300l. each to five of ſuch ſhips, having the greateſt quantity of oil or head matter, taken together, being not leſs in the whole than twenty tons in each ſhip, and being the produce of whales or other creatures living in the ſeas, taken and killed by the crews of every ſuch ſhip reſpectively; 200l. each to five of ſuch ſhips having the next greateſt quantity of ſuch oil or head matter, being not leſs in the whole than twenty tons; and 100l. each to five of ſuch ſhips having the next greateſt quantity of ſuch oil or head-matter, being not leſs in the whole than twenty tons.

Premiums to five ſhips going to the ſouthward of the thirty-ſixth degree of ſouth latitude. Sect. 4.

For five ſuch other ſhips or veſſels which ſhall be fitted and cleared out, and ſhall ſail within the time mentioned, and proceed to the ſouthward of the thirty-ſixth degree of ſouth latitude, and ſhall there *bona fide* carry on the ſaid fiſhery, and ſhall not return till the expiration of fourteen calendar months from the day on which they cleared out, but before the thirty-firſt of December in the ſecond year after their clearing out, to ſome port of Great Britain, there ſhall be paid 400l. to each of ſuch ſhips as ſhall ſo ſail and arrive within the times laſt-

* See 38 Geo. 3. c. 57. where the number of ſhips to receive premiums is limited to *twenty-ſix*, and where the claſſes are altered.

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mentioned with the greateſt quantity of ſuch oil and head-matter, not being leſs than twenty tons. 35 Geo. 3. c. 92.

For eight other of ſuch ſhips or veſſels which ſhall be fitted and cleared out, and ſhall ſail within the times before-mentioned, and ſhall double Cape Horn, or paſs through the Streights of Magellan into the South Seas, and carry on the ſaid fiſhery, during the ſpace of four months, to the weſtward of Cape Horn in thoſe ſeas, and ſhall not return to ſome port of Great Britain till after ſixteen calendar months from the day on which they cleared out, but before the thirty-firſt of December in the ſecond year after their clearing out, there ſhall be paid the following premiums, viz. 600l. to any one of ſuch laſt-mentioned ſhips which ſo ſail and arrive within the times herein laſt-mentioned with the greateſt quantity of ſuch oil and head-matter taken together, being not leſs in the whole than thirty tons, and being the produce of any whale or whales, or other creatures living in the ſeas, and taken and killed by the crew of ſuch ſhip or veſſel in the ſaid voyage, either outward or homeward; and 500l. each to ſeven of ſuch ſhips laſt before mentioned, which ſhall ſail and arrive within the times laſt before mentioned with the next greateſt quantity of ſuch oil and head-matter, taken together, being not leſs in the whole than thirty tons. Premiums to eight ſhips fiſhing to the weſtward of Cape Horn. Sect. 5.

No ſhip ſhall be obliged to clear out ſpecially for the reſpective latitudes ſpecified in this act, but ſhall be entitled to the premiums hereby granted, on complying with all the other conditions. Ships clearing out. Sect. 6.

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How such ships are to be navigated. 35 Geo. 3. c. 92. s. 7.

Every such ship shall be navigated by persons, of whom the master and at least three fourths of the mariners are his majesty's subjects, usually residing in Great Britain, Ireland, Guernsey, Jersey, or Man; or if such ship shall clear out from any port of Great Britain, then such ship may be navigated by persons being protestants, and who, not being subjects of his majesty, have been heretofore employed in carrying on the said fishery, and who shall at the time of clearing out take the oath of fidelity and allegiance to his majesty, and also make oath before two or more principal officers of the customs, of which the collector is to be one, at the port where such ship shall so clear out, if it is their first voyage from any port of Great Britain, that they have already established, or that it is their intention, to establish themselves and their families in Great Britain, as inhabitants thereof, and subjects of his majesty; and if it shall be their second or any subsequent voyage, that they actually have established themselves and their families in Great Britain, and have taken the oath of fidelity and allegiance to his majesty as aforesaid.

Apprentices. Sect. 8, 9, 10.

No premium granted by this act shall be paid on account of any ship, employed in the aforesaid fisheries, unless such ship shall have on board an apprentice, indentured for three years at the least for every fifty tons burthen; every such apprentice not exceeding the age of eighteen years, nor being under fourteen years at the time he shall be so indentured, and having proceeded on and continued the whole of the voyage, both out and home, for which any such premium shall be claimed, unless such apprentice died or deserted in the course of the voy-

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age; which facts ſhall be verified by the oath of the maſter, the mate, and two of the mariners belonging to ſuch ſhip, unleſs by reaſon of ſome unavoidable accident (proof whereof ſhall be made to the ſatisfaction of the officers of the cuſtoms herein-after mentioned) two mariners cannot be procured, and then by the oath of the maſter and mate, taken before two or more of the principal officers of the cuſtoms, at the port to which ſuch ſhips ſhall return (of which the collector is to be one). 35 Geo. 3. c. 92.

Maſters permitting apprentices to quit their ſervice to forfeit 50l. Sect. 9.

If the maſter of any ſhip, or any other perſon whatever, to whom any apprentice ſhall be indentured purſuant to this act, ſhall permit ſuch apprentice to quit his ſervice, on any pretence whatever (except as herein-after is provided), before the expiration of the term for which he ſhall be bound, every ſuch maſter, or other perſon, ſhall forfeit for each offence 50l. to be recovered by any action in any of his majeſty's courts of record: provided nevertheleſs, that nothing herein contained ſhall extend to inflict the aforeſaid penalty in any caſe where any apprentice ſhall be legally diſcharged before a magiſtrate, or ſhall be turned over from one perſon to another perſon, concerned in either of the aforeſaid fiſheries to ſerve the remainder of his time in ſuch fiſheries, purſuant to the directions of this act: provided alſo, that no bounty or premium ſhall be paid in any caſe, unleſs there be inſerted in the indenture of each apprentice, indentured by virtue of this act, or turned over from one perſon to another, purſuant to this act, the name of the ſhip on board of which ſuch apprentice is bound to ſerve.

No bounties to be paid, unleſs names of apprentices, &c. inſerted in the indenture.

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Apprentice's time expiring during a voyage to be considered as an apprentice for the whole of the voyage. 35 Geo. 3. c. 92. § 10.

In case the time for which any such apprentice, shall have been indentured shall expire during the voyage, such apprentice shall be accounted and considered, to all intents and purposes, as an apprentice for the whole voyage, and shall on the ship's return be mustered accordingly.

Log-book to be kept. Sect. 11.

No premium shall be paid on account of any ship, employed in the said fishery, unless a log-book shall have been regularly kept on board, in which log-book the various situations and occurrences during the whole course of the voyage, shall be inserted every day, and particularly the times when such ship shall have been in sight of land, distinguishing what land, and the bearings thereof, and the supposed distance therefrom, and the soundings; and also the time when, and the latitude, in which, any whale or other creature living in the sea, shall have been killed, taken, or caught by the crew; which log-book shall be delivered by the master or commander of such ship, at the time of his making a report, to the collector of the customs at any port in Great Britain where such ship shall arrive, on her return from the said fishery; and the said master or commander of such ship, together with the mate thereof, shall jointly and severally verify on oath the contents of such log-book before such collector.

Produced to the collector of the customs, and verified upon oath. Sect. 12.

Log-book to be produced to the commanding officer of any of his majesty's ships of war met with in the voyage. Sect. 12.

In case any such ship, shall, in the course of her voyage, meet with any of his majesty's ships of war, the master or commander shall produce to the captain or other officer commanding such ships of war, the said log-book; and such captain or commanding officer shall make a memorandum in such log book of

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the day on which it was ſo produced to him, and ſhall ſubſcribe his name to ſuch memorandum, and ſhall alſo make an entry in the log-book of the ſaid ſhip of war of the name and deſcription of the ſhip or veſſel, on board of which the log-book ſo produced was kept; and in caſe ſuch ſhip or veſſel, on board of which the log-book is required to be kept as aforeſaid, ſhall put into any foreign port where there ſhall be a Britiſh conſul, or other chief Britiſh officer, the maſter or commander thereof ſhall produce ſuch log-book to ſuch Britiſh conſul, or other Britiſh officer, who ſhall alſo make a memorandum therein of the day on which it was ſo produced to him, and ſhall, in like manner, ſubſcribe the ſame. 35 Geo. 3. c. 92.

Oath to be taken upon importation. Sect. 13.

The maſter, mate, and two of the mariners, belonging to every ſuch ſhip, or the maſter and mate only, (if by ſome unavoidable accident, proof whereof ſhall be made to the ſatisfaction of the officers of the Britiſh cuſtoms herein after mentioned, two mariners cannot be procured,) ſhall, upon the importation into Great Britain of any oil or head-matter, being taken on the fiſhery aforeſaid, declare upon oath, before two or more of the principal officers of the cuſtoms at the ports of their arrival, of which the collector ſhall be one, from what port, and the time when, ſuch ſhip cleared out, and that all ſuch oil or head-matter ſo imported is the produce of one or more whale or whales, or other creatures living in the ſeas, actually and *bonâ fide* taken and killed by the crew of ſuch ſhip only, at the times and in the latitudes reſpectively mentioned, and ſet down in the log-book.



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Maſter not to take on board any fiſh, &c. but what are taken by his own crew. 35 Geo. 3. c. 92. ſ. 14.

In caſe the maſter or commander of any ſhip or veſſel whatever, fitted out as aforeſaid, ſhall knowingly receive, or ſuffer to be received on board ſuch ſhip, for the purpoſe of obtaining any one of the ſaid premiums, any oil, head-matter, or any other produce whatever, not being the produce of a whale or whales, or other creatures living in the ſeas, really and *bonâ fide* caught and taken by the crew of ſuch ſhip or veſſel only, ſuch maſter or commander ſhall forfeit 500l. one moiety of which ſhall be paid to the perſon diſcovering the ſame, provided ſuch perſon ſhall give information of the offence within one month after ſuch ſhip or veſſel ſhall have been reported at the cuſtoms; and the maſter or commander of ſuch ſhip or veſſel is to make ſuch report in the uſual time, and in the manner in which all trading ſhips or veſſels are reported, before the proper officers of the cuſtoms, the owner or owners of ſuch ſhip ſhall, in caſe at the time ſuch information ſhall be given, any ſum of money be due from him or them to ſuch maſter or commander, keep and detain ſuch ſum of money, and pay the ſame (towards diſcharging the ſame penalty) to the collector or other principal officer of the cuſtom, at ſuch ports; and if ſuch owner or owners pay any ſum or ſums of money to, or ſhall otherwiſe account for, ſuch ſum or ſums of money, with any maſter or commander of any ſhip or veſſel, before the expiration of one month after the report ſhall have been ſo made at the cuſtom-houſe as aforeſaid, and ſuch maſter ſhall be liable to the penalty aforeſaid; ſuch owner or owners ſhall make good ſuch ſums ſo paid or accounted for, and ſhall pay the ſame towards diſcharging the aforeſaid penalty into the hands of the collector, or other



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principal officer of the cuſtoms, in manner before directed. 35 Geo. 3. c. 92.

In caſe any whale or whales, or other creatures living in the ſeas, ſhall be caught in any part of the ocean to the northward of the equator, by the crew of any of the ſhips or veſſels to which premiums are given, in manner before-mentioned, or to the northward of the thirty-ſixth degree of ſouth latitude, by the crew of any of the ſhips or veſſels to which other premiums are alſo given; or in any part of the Atlantic Ocean, by the crew of the ſhips or veſſels going round or doubling Cape Horn, either on the voyage out or return home; the oil or head-matter produced from ſuch whale, &c. ſhall be taken and conſidered to be part of the quantity of the oil and head-matter required to be taken and imported as aforeſaid, to entitle the owner of ſuch ſhip to ſome one of the premiums herein-before granted. If fiſh be caught in other places on the voyage. Sect. 15.

The commiſſioners of the cuſtoms in England and Scotland are to pay the premiums. Sect. 16.

No premiums ſhall be paid, unleſs claimed within two months, the claim to be made in writing, and the requiſite of the law having been complied with in one month after making ſuch claim. When premiums to be claimed. Sect. 17.

Ships concerned in this fiſhery may ſail and paſs for that purpoſe to the eaſtward of the Cape of Good Hope, and to the weſtward of Cape Horn, or through the Streights of Magellan. Where ſhips may fiſh. Sect. 18.

But no ſuch ſhip ſailing to the eaſtward of the Cape of Good Hope, ſhall paſs to the northward of the equator, or make more than fifty-one degrees of eaſt longitude from Lon- If to the eaſtward of the Cape of Good Hope, or weſtward of Cape Horn. Sect. 19.



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35 Geo. 3 c. 92.

don; and no such ship sailing or passing to the westward of Cape Horn, or through the Streights of Magellan, shall, either to the northward or southward of the equator, make more than one hundred and eighty degrees west longitude from London *.

Ships to be licensed by the East India Company for every voyage. Sect. 20.

Every ship intending to sail to the eastward of the Cape of Good Hope, or to the westward of Cape Horn, or through the Streights of Magellan, shall be obliged to take a license for each respective voyage from the East India Company, specifying which of the said voyages such ships shall be licensed to perform; and such license shall be valid only for the voyage therein expressed; and the said Company shall not be required to grant any license to pass to the eastward of the Cape of Good Hope, to more than ten ships in any one year or season, or to grant any license to any ship or vessel to pass to the eastward of the Cape of Good Hope, unless the person applying for the same, shall deliver to the court of directors of the said company a manifest or certificate, under the hand of the collector or comptroller, or other chief officer of the customs, belonging to the port from whence such ship is intended to clear out, verified by the oath of the owner or master, specifying their names and places of abode, and also the species, quantity, quality, and value, of all goods then on board of such ship, and of all goods (if any) intended to be afterwards taken into or on board of the same after her departure outwards; and also unless it shall, by such manifest or certificate, appear unto the said court of directors, that no goods

Manifest or certificate to be delivered to the collector, &c. verified by oath. Sect. 21.

* See 38 Geo. 3. c. 57. f. 5. and 6. where these limits have been enlarged, and distribution of premiums given by this act altered.

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or merchandizes whatever (ſave and except the ſtores of ſuch ſhip or veſſel, and the tackle, materials, and other things neceſſary for the purpoſe of the voyage) are taken, or intended to be taken, on board of ſuch ſhip or veſſel. 35 Geo. 3. c. 92.

Owners of ſhips paſſing within the limits of the Eaſt India Company's trade, to give bond in the penalty of 2000l. &c.

The Eaſt India Company ſhall not be obliged to grant any licenſe, to paſs within the limits of their excluſive trade round the Cape of Good Hope, until the owner of ſuch ſhip or veſſel, or the major part of the owners, ſhall have entered into a bond in the penalty of 2000l. with a condition to be there under-written, for payment of 1000l. (over and above the forfeitures and penalties herein mentioned) in caſe any goods or merchandizes whatſoever, (except the ſtores, tackle, materials, and other things neceſſary for the voyage) ſhall be taken into or put on board ſuch ſhip upon her outward voyage; or in caſe ſuch ſhip ſhall have taken on board, on any part of the voyage homeward, before her arrival in Great Britain, any goods or merchandizes of the growth, produce, or manufacture of the Eaſt Indies, or any iſlands, ports, towns, or places, between the Cape of Good Hope and the Streights of Magellan, to the value of 100l. and upwards (except ſuch proviſions, ſtores, clothing, &c. as it may, at any time during the voyage, have become neceſſary to take on board for the ſole uſe of the crew).

Ships going beyond the above limits, &c. to be ſubject to penalties, &c. Sect. 22.

Ships going beyond the above-mentioned limits, unleſs driven beyond the ſame by ſtreſs of weather, or other inevitable accident; or being ſo driven ſhall not return back with all convenient ſpeed within the limits before preſcribed: or if any ſhip ſo licenſed as above ſhall take on board before her return any manufactures, goods, or merchandizes, except



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35 Geo. 3. c. 92

ſuch as ſhall have been deſcribed and ſpecified in the manifeſt or certificate, and except the oil, head-matter, whalebone, &c. ſuch ſhip, goods, merchandizes, and effects on board the ſame, the owner, maſter, and crew, ſhall be ſubject to the ſeveral proviſions, regulations, penalties, and forfeitures, as impoſed by the act againſt perſons who ſhall traffic, trade, or be found in the Eaſt Indies, or other places within the limits of the Company's excluſive trade, without licenſe having been firſt obtained from the ſaid Company.

Sect. 23.

Owners, maſter, or crew, acting contrary hereto, ſhall not afterwards be entitled to any future licenſe for the ſame, or for any other ſhip or veſſel.

Ships touching at Saint Helena may be ſearched, and prohibited goods ſeized. Sect. 24.

If any ſhip licenſed as aforeſaid, ſhall touch at Saint Helena, or be found within the limits above deſcribed, the governor of Saint Helena, or the commander of any ſhip or veſſel in the ſervice of the ſaid Company, or any perſon authorized by them reſpectively, or any agent ſpecially authorized for that purpoſe by the Eaſt India Company, and reſiding at any place within the limits before deſcribed, may ſearch ſuch licenſed ſhip or veſſel, to ſee if any goods or merchandizes ſhall be on board her contrary to the proviſions of this act; and in caſe any ſuch ſhall be found, the ſame ſhall be forfeited to the Company, and the owner and maſter thereof ſhall be liable to all other penalties and forfeitures, for trading contrary to the ſaid Company's charters, and ſuch goods and merchandizes may be ſeized by the Company, or any of the perſons aforeſaid.

Report to the Eaſt India Company on return. Sect. 25.

Within thirty days next after the return of any ſhip or veſſel from a fiſhing voyage to the

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eaſtward of the Cape of Good Hope, the maſter thereof ſhall deliver to the ſecretary of the ſaid Company, a certificate, under the hand of the collector, or comptroller, or other chief officer of the cuſtoms, belonging to the port where the ſaid ſhip ſhall arrive, verified by the oath of the ſaid maſter, that no goods or merchandizes whatever, of the growth, produce, or manufacture, of any place or places in the Eaſt Indies, China, or elſewhere, between the Cape of Good Hope and the Streights of Magellan, except oil, head-matter, or bone of the whales or other fiſh, ambergris, or ſeal ſkins, have been taken on board ſuch ſhip during the ſaid voyage; but in caſe any ſuch goods and merchandizes ſhall have been taken on board the ſaid ſhip during the ſaid voyage, then the ſaid certificate ſhall ſpecify the ſpecies, quantity, quality, and value of all ſuch goods and merchandizes, and the cauſe of taking the ſame on board; and the owner of ſuch ſhip ſhall not be entitled to any bounty under the authority of this act, until ſuch certificate as aforeſaid ſhall have been delivered to the ſaid ſecretary, and ſuch delivery ſhall have been proved by a production of his receipt for the ſame. 35 Geo. 3. c. 92.

Every ſhip intending to navigate within or frequent any part of the ſeas comprized in the boundaries of the excluſive trade of the South Sea Company, as deſcribed by an act of the ninth year of Queen Anne *, ſhall be obliged Licenſe from the South Sea Company. Sect. 26.

* The limits of the South Sea Company's trade extend, on the eaſt ſide of America, from the River of Oronoco to the ſouthernmoſt part of *Terra del Fuego*, except the county of Surinam in the poſſeſſion of the Dutch, the kingdom of Brazil, and all the places in the poſſeſſion of the crown of Portugal, and on the weſt ſide from the ſouthernmoſt part of Terra del Fuego to the northernmoſt part of America, including all places within three hundred leagues of the weſt ſide of America.



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35 Geo. 3. c. 92. to take a licenſe for ſuch voyage from the ſaid Company; and every veſſel navigating ſuch ſeas, without ſuch licenſe ſhall be liable to ſuch forfeitures and penalties as are created and enacted by the ſaid act.

Ships may be armed. Sect. 27.

Such ſhips or veſſels as ſhall be ſo fitted and cleared out for the purpoſe of doubling the Cape of Good Hope, or Cape Horn, or paſſing through the Streights of Magellan, not being of leſs than two hundred tons burthen, may be properly furniſhed with arms and ammunition for reſiſtance and defence, provided the owner or owners of ſuch ſhips before clearing out ſhall obtain a licenſe from the lords of the admiralty authorizing the ſame.

Upon what conditions licenſe for arming to be obtained from the admiralty. Sect. 28.

The ſaid lords of the admiralty are empowered to grant ſuch licenſe for arming in ſuch caſes as to them ſhall ſeem fit and proper: provided that there ſhall have been exhibited to them a certificate, under the hands and ſeals of the commiſſioners of cuſtoms, teſtifying, that ſuch ſhip or veſſel is entered out for the purpoſe of doubling the Cape of Good Hope, or Cape Horn, or paſſing through the Streights of Magellan; and provided alſo, that the owner or owners of ſuch ſhip or veſſel ſhall have entered into a bond, with two ſufficient ſureties, in the ſum of 1000l. with condition that ſuch arms and ammunition ſhall not be uſed for any unlawful purpoſe, but merely for reſiſtance and defence in caſes of any involuntary hoſtility.

Ships entitled to one premium only. Sect. 29.

No ſhip or veſſel whatever ſhall be entitled, within the periods of time reſpectively limited by this act, to ſail on and return from ſuch voyage, to more than one of the premiums hereby granted, though ſuch ſhip ſhall make

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two voyages within any one of the ſaid periods. 35 Geo. 3. c. 92.

No premium whatever ſhall be paid to the owner or owners of any ſhip or veſſel which ſhall clear out after the firſt of January 1795 on the ſaid fiſhery, unleſs it ſhall appear by certificate from the proper officers of the cuſtoms, that ſuch ſhip was viſited, and the crew by them reſpectively muſtered, as well before the clearing out for the ſaid fiſhery, as on her return. Ships to be viſited, and crews muſtered. Sect. 30.

No ſhip or veſſel which, after the firſt of January 1796, ſhall be fitted or cleared out for the ſaid fiſhery, ſhall be entitled to any of the ſaid premiums, unleſs ſhe ſhall have been duly regiſtered, purſuant to the act of 26 Geo. 3. c. 60. Ships to be duly regiſtered purſuant to 26 Geo. 3, c. 60. Sect. 31.

Upon the return of every ſhip or veſſel from the fiſheries aforeſaid, in which ſhip any oil or head-matter ſhall be imported, and on account of which any of the premiums herein-before granted ſhall be claimed, in caſe there ſhall be any reaſon to ſuſpect that ſuch oil or head-matter is mixed with water, or any other materials, in order to increaſe the quantity thereof, it ſhall be lawful for the collector, or other principal officer or officers of the cuſtoms, at the port to which ſuch ſhip ſhall ſo return, to nominate and appoint one or more (as the caſe may require) ſkilful perſon or perſons to examine ſuch oil or head-matter; and if it ſhall appear, upon ſuch examination, that there has been mixed with ſuch oil or head-matter any water, or any other material whatever, whereby the quantity thereof is increaſed, the owner or owners ſhall not be entitled to any of the premiums granted by this act; and over and If the oil or head-matter be mixed with water, ſhips are not entitled to premium. Sect. 32.

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35 Geo. 3. c. 92. above the loſs of the premium, ſuch oil or head-matter ſhall be forfeited and loſt, and ſhall and may be ſeized by any officer or officers of his majeſty's cuſtoms; and if any diſpute ſhall ariſe whether there hath been mixed with ſuch oil or head-matter any water, or any other materials whatever, then the proof thereof ſhall lie on the owner or claimer of ſuch oil or head-matter, or on the perſon or perſons claiming the premiums, and not on the officer who ſhall ſeize or proſecute the ſame.

Exact quantities of oil, &c. to be aſcertained before premiums to be allowed. Sect. 33.

Before any of the premiums ſhall be paid or allowed to any perſon or perſons whatever, the exact quantity of oil or head-matter taken together ſhall be truly aſcertained by the proper officer or officers of the cuſtoms, and ſuch quantity ſhall be certified by them to the commiſſioners of the cuſtoms in England and Scotland reſpectively.

No harpooner, &c. to be impreſſed. Sect. 34.

No harpooner, line-manager, or boat-ſteerer belonging to any ſhip or veſſel fitted out on the aforeſaid fiſhery ſhall be impreſſed from the ſaid ſervice, but ſhall be privileged from being impreſſed ſo long as he ſhall belong to and be employed on board any ſhip or veſſel whatever in the fiſhery aforeſaid.

Whale boats not liable to ſeizure. Sect. 35.

No boat uſed as, and commonly called a whale boat, belonging to any ſhip or veſſel employed in the ſaid fiſhery, ſhall be liable to ſeizure on account of her dimenſion or conſtruction, provided, on the return of ſuch ſhip or veſſel from the fiſhery, ſuch boat ſhall be laid up in ſuch place or places as ſhall be approved of by the principal officers of his majeſty's cuſtoms of the port at which ſuch ſhip or veſſel ſhall arrive, and ſhall not be employed or made uſe of in any way whatever but in the ſaid fiſhery.

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If any perſons, not exceeding forty families, not being ſubjects of his majeſty, who have been heretofore employed in carrying on the ſaid whale fiſhery, and being the owners of any ſhip or veſſel, and intending to reſide, together with their families (not exceeding forty families in the whole), in this kingdom, for the purpoſe of continuing to carry on ſuch fiſhery from thence, ſhall, on or before the thirty-firſt of December 1805, come to the port of Milford in the county of Pembroke, with their families, and ſhall bring any ſhip or veſſel, or number of ſhips or veſſels, not exceeding twenty in the whole, to the ſaid port of Milford, built before the firſt of January 1798, and manned ſeverally with any number of ſeamen or fiſhermen, not leſs than twelve in number, having been heretofore employed in carrying on the ſaid fiſhery, and it ſhall be made appear to the ſatisfaction of the commiſſioners of his majeſty's cuſtoms, or any four of them, by the oath of ſuch owners reſpectively, and by other means, that he or they have been ſo employed in carrying on the ſaid fiſhery for three years previous to his or their arrival; and that he or they, together with his or their family (if any they ſhall have) are then actually reſident in this kingdom; and that twelve ſuch ſeamen or fiſhermen at the leaſt are brought into Great Britain in every ſuch ſhip; and the ſame ſhall be certified by the ſaid commiſſioners to his majeſty: it ſhall and may be lawful for his majeſty, by and with the advice of the privy council, to allow the cargoes of oil or head-matter, and fins or other parts of animals frequenting the ſeas, imported in any ſuch ſhips or veſſels, not exceeding

Foreign owners, &c. may ſettle under certain reſtrictions, and enjoy the privilege of Britiſh ſubjects. 35 Geo. 3. c. 92. ſ. 36. *

* See 38 Geo. 3. c. 57. ſ. 7. where theſe privileges, under certain reſtrictions, are extended to inhabitants of the United Provinces.

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35 Geo. 3. c. 92. twenty in the whole, which ſhall arrive from a fiſhing voyage, to be admitted to entry on payment of the ſame duty as oil, head-matter, and fins of Britiſh fiſhing; and to allow any goods, furniture, and ſtock which ſhall be neceſſary to their whaling outfit, and which ſhall be part of the property of the ſaid owner or owners, imported in any ſuch ſhips, and arriving from the late reſidence of the ſaid owners, to be admitted to an entry without payment of any duty whatſoever; provided, that the owners of ſuch ſhip or veſſel as ſhall be allowed to enter a cargo on the Britiſh inſtead of the foreign duty, ſhall give bond to the commiſſioners of the cuſtoms, to the full amount of the difference between the two duties, that he or they will reſide during three years in Great Britain, and will not abſent himſelf or themſelves from the kingdom during that term, without leave of his majeſty, by and with the advice of his privy council, except on the proſecution of a fiſhing voyage from and to this kingdom.

Foreigners ſettling here to take the oaths, Sect. 36.

If any perſon not being a ſubject of his majeſty, and being the owner, in part or in the whole, of any ſhip or veſſel ſo admitted to entry as aforeſaid, ſhall fit the ſaid veſſel for a whaling voyage from the port of Milford, in the county of Pembroke; and ſhall go before ſome juſtice of the peace for the ſaid county of Pembroke, or before the principal officer of his majeſty's cuſtoms in the new port of Milford, and ſhall take the oath of allegiance to his majeſty, and ſhall obtain a certificate of his having taken ſuch oath; it ſhall be lawful for his majeſty, by and with the advice of his privy council, to order ſuch ſhip or veſſel to be regiſtered, and to have a certificate of regiſtry, in the ſame manner as any Britiſh ſhip or veſſel; and every

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ſuch ſhip or veſſel ſhall, during the time that ſuch owner ſhall continue to have his reſidence, together with his family, within this kingdom, or during the time that ſuch ſhip or veſſel ſhall be owned by any natural-born ſubject or ſubjects of this kingdom, and ſhall be duly regiſtered, enjoy all the privileges and advantages, and be entitled to all the bounties and premiums, granted to any Britiſh ſhip or veſſel employed in the whale fiſhery, ſubject nevertheleſs to the ſame rules, regulations, reſtrictions, penalties, and forfeitures: and every ſuch perſon ſhall have and enjoy the rights, privileges, and advantages of natural-born ſubjects of Great Britain, in like manner, and ſubject to the like diſabilities, as the ſame may be granted to aliens by a ſpecial act of parliament; provided always, that ſuch owner, not being a ſubject of his majeſty, ſhall prove in manner directed in the act paſſed in the 26th year of George III. c. 60. by taking the oath, or making (if a quaker) the declaration hereinafter mentioned, inſtead of the oath required by the ſaid act; and ſhall alſo conform to all the other regulations reſpecting the regiſtry contained in the ſaid laſt-mentioned act: the ſaid oath or declaration ſhall be in the form and manner following: 35 Geo. 3. c. 92.

Form of oath. Sect. 38.

I, A. B. [*place of reſidence and occupation*] do make oath [*or do declare*] that the ſhip or veſſel [*name*] of [*port or place*] whereof [*maſter's name*] is at preſent maſters, and being [*kind of built, burthen, &c. as deſcribed in the certificate of the ſurveying officer*] was [*when and where built, and when and where it came into this kingdom*] and that the ſaid A. B. [*or the other owners names and occupations, if any, and where they reſpectively reſide, viz. town, place, or pariſh, and county, or if member of and reſident in any factory in foreign parts,*



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35 Geo. 3. c. 92.

*or in any foreign town or city, being an agent for or partner in any house or copartnership actually carrying on trade in Great Britain or Ireland, the name of such factory, foreign town, or city, and the names of such house or copartnership*] am [*or are*] sole owner [*or owners*] of the said vessel, and no other person or persons whatever have or hath any right, title, interest, share, or property therein, or thereto; and [*if a British subject*] that I the said A. B. [*and the said other owners, if any*] am or was [*or are or were*] truly and *bona fide* a subject [*or subjects*] of Great Britain: and that the said A. B. have not [*nor have any other of the owners to the best of my knowledge or belief*] taken the oath of allegiance to any foreign state whatever [*except under the terms of some capitulation, describing the particulars thereof*] or that since my taking [*or his or their taking*] the oath of allegiance to [*naming the foreign states respectively to which he, or any of the said owners, shall have been subject or subjects*] and prior to the passing of an act in the twenty-sixth year of the reign of King George the Third (intituled "AN ACT FOR THE FURTHER "INCREASE AND ENCOURAGEMENT OF SHIP-"PING AND NAVIGATION") I have [*or he or they hath or have*] become a subject [*or subjects*] of Great Britain [*either by his majesty's letters patent, as a denizen or denizens, or naturalized by act of parliament, as the case may be, naming the dates of the letters of denization, or the act or acts of parliament for naturalization, respectively*] or [*as the case may be*] I have [*or he or they hath or have*] become a denizen [*or denizens, or naturalized subject or subjects, as the case may be*] of Great Britain, by his majesty's letters patent, or by an act of parliament passed since the first of January 1786 [*naming the times when such letters of denization have been granted respectively, or the year or years in which such act or acts of naturalization have passed respectively*] or [*if not a British subject*] that I A. B. [*and the other owners, if any*] being a subject [*or subjects*] of some foreign state [*specifying the state*] have come into and am [*or are*] now resident in this kingdom [*describing the particulars thereof as to place and date*] and intend to reside therein, and have taken the oath, or (being a quaker) have made a declaration of fidelity and allegiance to his majesty the king of Great Britain [*describing the times when or where, and before whom taken*], and that no foreigner, not

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having complied with the conditions above-mentioned, directly or indirectly, hath any ſhare or part or intereſt in the ſaid ſhip, veſſel, &c. 35 Geo. 3. c. 22.

If any perſon whatever ſhall knowingly give or grant any falſe certificate or certificates, for any of the purpoſes of this act, ſuch perſons ſhall forfeit 500l. and be rendered incapable of ſerving his majeſty, his heirs or ſucceſſors, in any office whatever; and if any perſon ſhall counterfeit, eraſe, alter, or falſify, any certificate or certificates, ſuch perſon ſhall, for every ſuch offence forfeit 500l.; and every ſuch certificate or certificates ſhall be invalid, and of no effect. Granting falſe certificates, or counterfeiting, eraſing, altering, &c. incurs a forfeiture of 500l. Sect. 38.

One moiety of the penalties and forfeitures by this act (except in caſes where other directions are given) ſhall be to the uſe of his majeſty, and the other moiety to ſuch officer or officers of the cuſtoms as ſhall ſue or proſecute for the ſame. Application of penalties. Sect. 40.

Perſons ſued for any thing done in purſuance of this act may plead the general iſſue, and ſhall recover treble coſts if the verdict be for the defendant. Sect. 41.

The former premiums having expired, the act of 38 Geo. 3. c. 57. was paſſed, by which future premiums are beſtowed upon *twenty-ſix* ſhips only in the claſſes under-mentioned: — 38 Geo. 3. c. 57.

1ſt, For twelve ſhips cleared out between the firſt of January and the thirty-firſt of December 1799, and between the firſt of January and the thirty-firſt of December in each of the two ſucceeding years, and which ſhall carry on the ſaid fiſhery to the ſouthward

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38 Geo. 3. c. 57. of the equator, and return before the firſt of December in the year ſubſequent to that of clearing out, the following premiums, viz. 300l. to each of four ſuch ſhips which ſo ſail and firſt arrive with the greateſt quantity of oil or head-matter, not leſs than twenty tons in each ſhip; 200l. to each of the four ſhips ſailing as above, and arriving with the next greateſt quantity, not leſs than twenty tons; and 100l. to each of the four ſhips ſailing as above, and arriving with the next greateſt quantity, not leſs than twenty tons.

2d, For four other ſhips cleared out, and ſailing as above, and which ſhall proceed to the ſouthward of the thirty-ſixth degree of ſouth latitude, there fiſh, and not return till FOURTEEN calendar months from the day of clearing out, but before the thirty-firſt of December in the ſecond year of clearing out, there ſhall be paid 400l. to each of ſuch ſhips as ſhall ſail and arrive within the time laſt-mentioned with the greateſt quantity of oil or head-matter, not leſs than twenty tons in each ſhip.

3d, For ten other ſhips cleared out between the firſt of January and the thirty-firſt of December 1799, and between the firſt of January and the thirty-firſt of December in each of the ſix ſucceeding years, and which ſhall double Cape Horn, or paſs through the Streights of Magellan, into the South Seas, and fiſh during four months to the weſtward of Cape Horn, in thoſe ſeas, or which ſhall double the Cape of Good Hope, and fiſh during four months to the eaſtward of one hundred and five degrees of eaſt longitude from London, and not return till after ſixteen calendar months from the day of clearing out, but

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before the thirty-firſt of December in the ſecond year after clearing out, there ſhall be paid the following premiums, viz. 600l. to any one having the greateſt quantity of oil or head-matter, not leſs than thirty tons; and 500l. to each of nine others, having the next greateſt quantity, not leſs than thirty tons. 38 Geo. 3. c. 37.

For facility of inſpection, the ſubſtance of the above clauſe has been attempted to be conveyed in the following table:



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## TABLE of the PREMIUMS, STATIONS, &c. granted by 38 Geo. 3. c. 57. to TWENTY-SIX SHIPS employed in this FISHERY.

| Number of Ships. | Claſſes. | Times of Clearing Out. | Premiums. | Tonnage. | Stations. | Times of remaining out. | Times of Return. |
|---|---|---|---|---|---|---|---|
| 12 | Firſt 4 ſhips arriving with largeſt quantity, | Between Jan. 1 and Dec. 31, 1799, and between Jan. 1 and Dec. 31 in each of the two ſucceeding years, | £. 300 each. | 20 | Southward of the Equator. | 11 Months. | Before the 1ſt December in the year ſubſequent to clearing out. |
| | Second 4 ditto, | | £. 200 each. | 20 | | | |
| | Third 4 ditto, | | £. 200 each. | 20 | | | |
| 4 | Ditto, | | £. 400 | 20 | To the Southward of 36° S. Lat. | 14 Calendar Months. | Before the 31ſt Dec. in ſecond year of clearing out. |
| 10 | Ship having the greateſt quantity of oil or head-matter, | Between Jan. 1 and Dec. 31, 1799, and between Jan. 1 and Dec. 31 in each of the *ſix* ſucceeding years, | £. 600 | 30 | To double Cape Horn, or paſs through Magellan into the South Seas, and fiſh during 4 months to the Eaſtwardof 105° E. Lon. | 16 Calendar Monthsfrom the time of clearing out. | Before the 31ſt Dec. in the ſecond year after clearing out. |
| | To each of the 9 others having the next greateſt quantity of oil or head-matter, | | £. 500 | 30 | | | |

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Ships ſailing to the eaſtward of the Cape of Good Hope, may paſs beyond fifty-one degrees eaſt longitude, *provided that*, after paſſing five degrees eaſt longitude they ſhall not paſs to the northward of fifteen degrees ſouth latitude, until they have paſſed to the eaſtward of one hundred and eighty degrees eaſt longitude. Ships ſailing to the weſtward of Cape Horn, or through the Streights of Magellan, may paſs beyond one hundred and eighty degrees weſt longitude, *provided that*, after paſſing beyond one hundred and eighty degrees of weſt longitude, they do not keep to the northward of fifteen degrees ſouth latitude, until they come within fifty-one degrees of eaſt longitude from London. 38 Geo. 3. c. 57. ſ. 5, 6.

## NEWFOUNDLAND FISHERY.

THE increaſe of ſeamen and ſhipping is the leading object of the legiſlature in the acts paſſed for the encouragement of fiſheries in general; but there are alſo other benefits reſulting, no leſs important in a commercial, than the increaſe of ſeamen and ſhipping may be eſtimated in a national point of view. By employing great numbers of ſeamen and ſhipping, conſiderable quantities of proviſions and manufactures are conſumed, whereby "not only the "poor are kept in conſtant employment, but great quanti- "ties of wine, oil, plate, iron, wool, and other commo- "dities, which formerly drew out much ſpecie from the "country, are paid for out of the produce of the New- "foundland Fiſhery, and imported into Great Britain. "From theſe circumſtances, the revenue is conſider- "ably increaſed, and Trade, Commerce, and Naviga- "tion, appropriately encouraged."



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Impreſſed with a due ſenſe of theſe advantages, the legiſlature, in the reign of King William, declared this trade ſhould be free to all his majeſty's ſubjects, and ſeveral neceſſary regulations were preſcribed by the act alluded to, for preſerving the harbours, ſtages, cook-rooms, &c. giving privileges to thoſe who ſhould firſt arrive, and appointing an equitable and judicious mode of ſettling diſputes which might ariſe amongſt the fiſhermen, by empowering the fiſhing admirals to decide and determine theſe differences, with power of appeal in caſes of intricacy, or where the parties might think themſelves aggrieved, to the commanders of ſuch of his majeſty's ſhips as ſhould be appointed for convoy. But the increaſing number of perſons employed upon this fiſhery, the advantages derived to the revenue, and thoſe reſulting to trade and commerce, were felt to be of ſo much importance, that parliament deemed it proper, to erect WITHIN THE ISLAND a criminal and civil tribunal, where crimes and civil ſuits might be determined according to the laws of England. Previous to this by the act, 10 & 11 Will. 3. c. 25. ſ. 12. it was enacted, that all robberies, murders, felonies, and all other capital crimes committed in Newfoundland and its appendant banks, ſeas, and iſlands, might be tried in any county in England. By the act 33 Geo. 3. c. 76. A SUPREME COURT OF JUDICATURE is now erected, by his majeſty's commiſſion under the great ſeal, and all crimes and miſdemeanors committed in that iſland, and all complaints of a civil nature, are tried, heard, and determined, according to the laws of England, as far as the ſame can be applied. The clauſe of this act relative to the diſtribution of the property of perſons dying inſolvent, and the preference given to fiſhermen who may be creditors, deſerves peculiar notice; but all the enactments of this moſt eſtimable act are equally wiſe, politic, and equitable; and it may be juſtly pointed out as conducing to form a complete ſyſtem of civil and criminal juriſprudence for the numerous and wealthy claſs who are within the ſphere of its operation, and whoſe intereſt and accommodation it has ever been one

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of the diſtinguiſhing features of a Britiſh parliament to conſult and to promote.

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Free trade to Newfoundland. 10 & 11 Will. 3. c. 25. ſ. 1.

It ſhall and may be lawful, for all his majeſty's ſubjects within the realm of England, or the dominions thereunto belonging, to trade to Newfoundland, and the ſeas, rivers, lakes, creeks, and harbours thereunto belonging, or any of the iſlands adjoining, and to have, uſe, and enjoy the free trade and traffic, and art of merchandize and fiſhery, to and from Newfoundland, and peaceably to have, uſe, and enjoy, the freedom of taking bait and fiſhing in any of the rivers, lakes, creeks, harbours, or roads, in or about Newfoundland and the ſaid ſeas, or any of the iſlands adjacent thereto, and liberty to go on ſhore on any part of Newfoundland, or any of the ſaid iſlands, for the curing, ſalting, drying, and huſbanding of their fiſh, and for making of oil, and to cut down wood and trees there for building and making or repairing of ſtages, ſhip-rooms, train-fats, hurdles, ſhips, boats, and other neceſſaries, for themſelves and their ſervants, ſeamen and fiſhermen.

No ballaſt, &c. to be laid on ſhore. Sect. 2.

No ballaſt, preſt-ſtores, or any thing elſe hurtful to, or annoying any of the harbours there, ſhall be thrown out of any ſhip or otherwiſe, by any perſon or perſons whatſoever, to the prejudice of any of the ſaid harbours, but that all ſuch ballaſt and other things ſhall be carried on ſhore and be laid where they may do no annoyance.

No perſon to deſtroy any ſtage, cook-room, &c.

No perſon or perſons whatſoever ſhall (at his departure out of the ſaid country, or at any other time) deſtroy, deface, or do any detriment,



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10 & 11 Will. 3. c. 25. s. 5.

to any such stage, or cook-room, or to the flakes, spikes, nails, or any other thing whatsoever thereto belonging, as he or they shall fall into, at his or their coming into the said country, but shall (during continuance there) content him or themselves with such stage or stages only as are needful, and shall upon departure thence leave all such stage or stages, without doing, or causing to be done, any wilful damage to any of them; and that for the repairing of such stage or stages which shall be so taken during residence, the necessary timber shall be fetched out of the woods, and not by ruining, or breaking down, demolishing, prejudicing, or any wise injuring, the stage or stages of any other person or persons whatsoever.

Stages to be repaired with timber cut out of the woods there.

Ship first entering harbour to be admiral for the season. Sect. 4.

According to the ancient custom there used, every such fishing-ship, fisherman, &c. as shall first enter any harbour or creek in Newfoundland shall be admiral of that harbour or creek, during that fishing season; and for that time, shall reserve to himself only so much beach, or flakes, or both, as are needful for the number of such boats as he shall there use, with an overplus only for the use of one boat more than he needs, as a privilege for his first coming thither; and that the master of every such second fishing ship as shall enter any such harbour or creek, shall be vice-admiral of such harbour or creek during that fishing season; and that the master of every such fishing ship next coming as shall enter any such harbour or creek, shall be rear-admiral of such harbour or creek during that fishing season; and that the master of every fishing ship there shall content himself with such beach or flakes as he shall have necessary use for, without keeping or detaining any more

Second ship, vice-admiral.

Third ship, rear-admiral.

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beach or flakes, to the prejudice of any ſuch other ſhip or veſſel as ſhall arrive there; and that ſuch perſon or perſons as are poſſeſſed of ſeveral places in ſeveral harbours or creeks there, ſhall make his or their election of ſuch place as he or they ſhall chooſe to abide in, and ſhall alſo, within eight-and-forty hours after any after-comer into ſuch place ſhall demand, declare ſuch his reſolution relative to his election (if the weather will ſo ſoon permit, or ſo ſoon after as the weather will permit); and ſuch perſon ſhall give or ſend his reſolution to ſuch after-comer, touching ſuch his election, of ſuch place as he ſhall ſo chooſe to abide in for the fiſhing ſeaſon; to the end that ſuch after-comer may likewiſe chooſe the place of his abode there.

10 & 11 Will. 3. c. 25. ſ. 5.

Perſons poſſeſſed of ſeveral places ſhall make their election, &c. and declare the ſame within forty-eight hours.

And in caſe any difference ſhall ariſe, touching the ſaid matters, the admirals of the reſpective harbours where ſuch difference ſhall ariſe, or any two of them, ſhall proportion the place to the ſeveral ſhips in the ſeveral harbours they fiſh in, according to the number of boats which each of the ſaid ſhips ſhall keep.

In caſe of difference, admirals to proportion the place.

Several inhabitants of Newfoundland, and other perſons, having engroſſed and detained in their own hands, for their private uſe and benefit, ſeveral ſtages, cook-rooms, beaches, and other places in theſe harbours, which before belonged to the fiſhing ſhips, for the purpoſe of curing the fiſh, &c. to the great prejudice of the fiſhing ſhips, ſometimes to the overthrow of the voyage, and to the great diſcouragement of the trade in general, the following two ſections was made to remedy theſe abuſes.

All perſons who ſhall take, ſeize, or detain any ſuch ſtage, cook-room, beech, or other place for taking bait, or fiſhing, or for the dry-

Perſons taking ſtages, cook-rooms, &c. to leave them to the public. Sect. 5.



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20 & 11 Will. 3. c. 25. f. 5.

ing, curing, or husbanding of fish, shall relinquish, quit, and leave to the public use of the fishing ships arriving there, all and every the said stages, cook-rooms, beaches, and other places for taking bait, and fishing, and for the drying, curing, and husbanding of fish.

No inhabitant of Newfoundland to possess any stage, &c. till all ships be provided. Sect. 6.

No fisherman, or inhabitant of Newfoundland, or any other person or persons whatsoever, shall, at any time after the twenty-fifth day of March, seize, take up, or possess, any of the stages, cook-rooms, beaches, or other places, which did, or at any time hereafter shall, belong to any fishing ship or ships, for taking bait, or fishing, or for drying, curing, or husbanding of fish, before the arrival of the fishing ships, nor until all such ships so arriving shall be provided.

Bye-boat keepers not to meddle with stages, &c. Sect. 7.

Persons going over, with their servants, to Newfoundland, to keep their boats, on a fishing voyage, commonly called bye-boat keepers, shall not pretend to, or meddle with, any house, stage, cook-room, train-fat, or other convenience, that did belong to fishing ships, or shall be cut out, or made by ships.

Masters of bye-boats to carry two fresh men in six. Sect. 9.

Inhabitants to employ two such fresh men.

Ships to carry one fresh man in five.

Every master of a bye-boat, or bye-boats, shall carry with him at least two fresh men in six, viz. one man that hath made no more than one voyage, and one man who hath never been at sea before; and every inhabitant shall be obliged to employ two such fresh men, as the bye-boat keepers are obliged for every boat kept by them; and all masters of fishing ships shall carry with them in their ship's company at least one such fresh man that never was at sea before, in every five men they carry; and the master of each such bye-boat, and each such fishing ship, shall make oath before the collec-

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tor, or other principal officer of the cuſtoms, of the port from whence ſuch ſhip intends to ſail, that each ſhip and bye-boat's company have ſuch freſh men therein, as this act directs; and the ſaid officer is hereby empowered and required to adminiſter the aforeſaid oath, and thereupon to give certificate thereof, under his hand, without any fee, gratuity, or reward for ſo doing. 10 & 11 Will 3. c. 25.

Every maſter or owner of any fiſhing ſhip going to Newfoundland ſhall have in his ſhip's company every fifth man a green man, that is to ſay, not a ſeaman, or having ever been at ſea before. Every fifth man a green man. Sect. 10.

No perſons ſhall at any time obliterate, expunge, cut out, deface, or any ways alter, or change, the mark of any boat or train-fat belonging to any other perſon, whereby to defraud or prejudice the right owner thereof; nor convert to his own uſe any boat or train-fat belonging to any other perſon, without his conſent and approbation; nor remove, nor take away, any ſuch boats or train-fats, from the place where they ſhall be left by their owner, except in caſe of neceſſity, and alſo upon giving notice thereof to the admiral of the harbour, o place where ſuch boat or train-fat ſhall be left, to the end that the right owners may know what is become of them. Marks of boats or train-fats not to be obliterated. Sect. 11.

No perſon or perſons whatſoever ſhall rind any of the trees there ſtanding or growing, upon any occaſion whatſoever, nor ſhall, by any ways or means whatſoever, ſet on fire any of the woods of the ſaid country, or do, or cauſe to be done, any damage, detriment, or deſtruction to the ſame, for any uſe whatſoever, except only for neceſſary fuel for the ſhips and Trees not to rinded, nor woods fired. Sect. 12.



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10 & 11 Will. 3. c. 25.

inhabitants, and for the building and neceſſary repairs of houſes, ſhips, boats, and train-ſats, and of the ſtages, cook-rooms, beaches, and other places, for taking bait, and fiſhing, and for drying, curing, and huſbanding fiſh there;

Seynes not to be annoyed.

and no perſons ſhall caſt anchor, or do any matter or thing whatſoever, to the annoyance or hindering of the haling of ſeines in the accuſtomary baiting places, or ſhoot their ſeines within or upon the ſeines of any other perſons whatſoever;

Nor nets, boats, &c. ſtolen.

nor ſhall ſteal, purloin, or take out of the nets of other perſons, lying adrift, or drover for bait by night, nor ſteal, purloin, or take away, any bait out of any fiſhing-boat, or any net belonging to any other perſon.

Several perſons having been guilty of theſts, robberies, murders, &c. upon the land in Newfoundland and the adjacent iſlands; and having eſcaped puniſhment, becauſe their trials had been heretofore adjudged before the lord high conſtable and earl marſhal of England;

It was enacted, by the thirteenth ſection of this act,

Robberies, &c. on Newfoundland may be tried in any county in England.

That the crimes above-mentioned, namely, robberies, murders, felonies, and all other capital crimes whatſoever, committed upon the land in Newfoundland, or in any of the iſlands thereunto belonging, might be heard, tried, and determined, in any ſhire or county in England, according to the laws of the land uſed for the puniſhment of capital crimes committed within this realm.

But the above, and the two following ſections, namely, thoſe appointing admirals to execute this act, to determine differences, and giving power of appeal to commanders of convoys,

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have been virtually repealed by the 35 Geo. 3. called the Newfoundland Judicature Bill, the enactments of which will be ſeen at the concluſion of this head. 10 & 11 Will. 3. c. 25.

The Lord's Day to be ſtrictly and decently obſerved; and none of the ſaid inhabitants who keep any tavern, ale-houſe, or other public houſe for entertainment, ſhall entertain, or ſell, utter, or diſpoſe of, to any fiſherman, ſeaman, or other perſon whatſoever, any wine, beer, ale, cyder, ſtrong water, or tobacco, or any other liquors whatſoever. For obſerving the Lord's Day. Sect. 16.

Some doubts having been entertained whether whale fins, oil, blubber, &c. imported by the Company of Merchants of London trading to Greenland, were intended to be charged to certain duties of tonnage and poundage granted, in the ſame reign, by the laſt ſection of this act, it is declared and enacted,

That all whale fins, oil, blubber, &c. taken and imported as aforeſaid in Engliſh ſhipping, were and are hereby declared to be free of the ſaid duties, as all fiſh of Engliſh taking. Oil, blubber, &c. not ſubject to poundage.

The following are the regulations reſpecting the bounties granted in this fiſhery:

From the firſt of January 1787, the following bounties ſhall be paid annually for ten years, to a certain number of ſhips employed in this fiſhery, under the limitations and reſtrictions after expreſſed, that is to ſay, ſuch veſſels ſhall be Britiſh built, and wholly owned by his majeſty's ſubjects; and ſhall be navigated with a maſter, and at leaſt three-fourths of the mariners, Britiſh ſubjects; and ſhall be in other reſpects qualified, and ſubject to the ſame rules and reſtrictions as preſcribed by the preceding Bounties. 26 Geo. 3. c. 26.

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26 Geo. 3. c. 26. act (10 & 11 Will. 3. c. 25.); and shall be cleared out from Great Britain, or the islands of Guernsey, Jersey, or Alderney, after the said first day of January in each year; and shall proceed to the banks of Newfoundland, and having caught a cargo of fish, consisting of not less than ten thousand fish by tale, shall land * the same at any port on the north, east, or south side of Newfoundland, between Cape St. John and Cape Raye, on or before the fifteenth of July in each year; and shall make one or more trips to the said banks, and return with another cargo of fish caught at the same port. In which case each of the one hundred vessels which shall first arrive, shall, if navigated with not less than twelve men, be entitled to 40l.; but if any of them so first arriving shall be navigated with less than twelve men, and not less than seven, they shall be entitled to 25l. But if in either of the above cases, any of the one hundred vessels so first arriving shall be wholly navigated by men going out upon shares in lieu of wages, such ships, so navigated, if not less than twelve men, shall be entitled to 50l. each; and if so navigated with less than twelve men, and not under seven, they shall be entitled to 35l. each.

By the following table, the particulars of this clause are exhibited at one view:

* By 29 Geo. 3. c. 53. no fish, unless caught by British subjects arriving at Newfoundland from Great Britain or the British dominions in Europe, shall be landed or dried in Newfoundland, within the above district.

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## TABLE of PREMIUMS to the FISHERIES of NEWFOUNDLAND.

*Purſuant to* 26 *Geo.* 3. *c.* 26.

| Number of Ships. | Arrivals. | Cargo. | Number of Men. | Bounties. | If navigated by men for ſhares in lieu of wages. |
|---|---|---|---|---|---|
| 100 | Firſt ſhips, | Not leſs than 10,000 fiſh by the tale, | 12 | £.40 | £.50 |
| | 2d ſhips. | Ditto, | 7 | £.25 | £.35 |

26 Geo. 3. c. 26. Maſters of fiſhing veſſels to produce certificates of due qualification. Sect. 1.

The maſter and owner of every ſuch veſſel, ſhall produce to the collector, or other principal officer of the cuſtoms, at the clearing port, or, if cleared from Guernſey, Jerſey, or Alderney, to the collector, or other principal officer of the cuſtoms, in ſome port of Great Britain, a certificate from the governor of Newfoundland, that the maſter of ſuch veſſel has produced to him a certificate, from the collector and comptroller at the clearing port, teſtifying, that ſuch veſſel was duly qualified to proceed on ſuch fiſhery; and that it has been made appear to his ſatisfaction, by a certificate under the hand and ſeal of the naval officer of the diſtrict in Newfoundland, where ſuch fiſh was landed, or, where there is no naval officer, under the hand and ſeal of the commander of his majeſty's ſhips ſtationed there, or of ſuch officer as the governor ſhall approve, ſpecifying the time of ſuch veſſel's arriving in manner before directed, that ſuch veſſel was entitled to one or other of the bounties herein-before mentioned, as the fact may be; and that the maſter and mate of ſuch veſſel had made oath that the

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26 Geo. 3. c. 26. number of fiſh taken, on the firſt trip, amounted to ten thouſand at leaſt; that he had made two trips at leaſt; and that all the fiſh, on both trips, were caught on the banks of Newfoundland, by the crew of ſuch veſſel only; and upon delivering up the ſaid certificate to the collector, the reſpective bounties therein mentioned ſhall be paid by him.

Certificate to contain the real number of mariners, &c. Sect. 2.

In every ſuch certificate, there ſhall be inſerted the real number of mariners belonging to ſuch veſſel, and intended to be employed in the fiſhery, diſtinguiſhing how many are new, or green men, and whether they are hired upon ſhares, or are to receive their wages. This is to be verified upon the oath of the maſter, made before the perſon who ſhall grant the certificate; and if ſuch veſſel ſhall be cleared out from Guernſey, Jerſey, or Alderney, then ſuch oath ſhall be taken before a magiſtrate of the royal court; on failure thereof, ſuch veſſel ſhall not be entitled to receive any of the bounties.

Certificates in Newfoundland to be tranſmitted to the governor of St. John's. Sect. 3.

The ſeveral certificates and affidavits taken in Newfoundland, in order to ſatisfy the governor thereof, as to the facts to ground his certificate upon the payment of the bounties, ſhall, within the diſtrict of St. John's be tranſmitted to the governor of St. John's before the fifteenth of September in every year, and within any other diſtrict in the ſaid iſland before the thirtieth of September in each year.

Maſters of veſſels to take certain oaths before they receive the bounties.

Every maſter of a veſſel ſhall, before he receive any of the bounties, make oath, before the collector and comptroller, or other chief officer of the port in Great Britain where he ſhall arrive on his return from Newfoundland, that all the men belonging to his ſhip, who

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failed out with him, or a number of men equal thereto, are returned to Great Britain, unleſs any of his crew have died at Newfoundland, or in the ſaid voyage, either on the paſſage out or return home, or have deſerted without his conſent, or have been ſhipped on board Britiſh veſſels for foreign markets. 26 Geo. 3. c. 26.

The hirer or employer of any green man may advance to any ſuch green man, during the time he ſhall be in his ſervice, a ſum not exceeding 5l. 10s. although the ſame ſhall amount to more than one half of the wages which ſhall be due to him, provided a ſum equal to the then current price of a man's paſſage home, not exceeding 40s. for each man, be reſerved to bear the charge of his return home. Hirers of any green man may advance money. Sect. 5.

Where any ſeaman or fiſherman ſhall wilfully abſent himſelf from his duty or employ without leave of his employer, or ſhall wilfully neglect to work for the ſpace of one day, he ſhall, for every day he ſhall ſo abſent himſelf, or wilfully neglect to work, forfeit any number of days pay, not exceeding five, as the governor of Newfoundland, or his ſurrogate, may think juſt and reaſonable; and ſuch forfeiture ſhall be paid to the hirer or employer of ſuch ſeamen or fiſhermen, in recompence for the loſs which he may have ſuſtained thereby. Seamen abſenting themſelves from duty to forfeit five days pay. Sect. 6.

Before any oil or blubber imported from Newfoundland into Great Britain ſhall be admitted to entry duty free, the maſter or commander of the ſhip importing the ſame ſhall make oath before the collector, or chief officers of the cuſtoms, at the port in Great Britain in which oil or blubber is imported, that the ſame is really and *bona fide* the oil or blubber, &c. actually caught and taken on the banks and Maſters of ſhips to make oath, before oil, &c. is imported duty free, that ſuch oil, &c. is the produce of fiſh taken by his majeſty's European ſubjects. Sect. 7.

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26 Geo. 3. c. 26. shores of Newfoundland, and parts adjacent, wholly by his majesty's subjects carrying on the said fishery, from his majesty's European dominions.

Similar oath upon importation of seal skins. Sect. 8.

A similar oath is to be taken upon the importation of seal skins, before they can be admitted to entry duty free.

Oil and blubber, &c. purchased in Newfoundland may be imported duty free, upon oath of the master of particulars of the purchase, &c. Sect. 9.

In case any oil, blubber, or seal skins, shall be purchased in Newfoundland, or the parts adjacent, and imported into Great Britain, the same shall be admitted to entry, duty free, provided the master or commander of the ship importing the same, shall make oath of all the particulars respecting the purchase thereof, before the collector, or other chief officer of the customs, at the port of Great Britain into which such oil, blubber, or seal skins are imported; and shall deliver to such collector, &c. a certificate from the naval officer of the district of Newfoundland, where such oil, blubber, or seal skins were purchased; or if there be not any naval officer at such place, then from the commander of any of his majesty's ships stationed there, testifying, that oath had been made before him, by the persons who actually caught the fish, seals, &c. from which the oil, blubber, skins, &c. mentioned in such certificate were produced, that such oil, blubber, skins, &c. were really the produce of fish, or creatures living in the sea, and actually caught on the banks and shores of Newfoundland, and parts adjacent, wholly by his majesty's subjects carrying on the said fishery, from his majesty's European dominions; such master or commander shall also make oath, that the oil, blubber, or seal skins so imported are the same referred to in the said certificate.

Certificate from naval officers in Newfoundland.

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Upon the importation of any foreign ſalt into this kingdom, from any place from whence it may be legally imported, the importer thereof ſhall be at liberty to give bond for the payment of the duty within the ſpace of twelve calendar months from the date of ſuch bond; and if ſuch ſalt ſhall be exported again within twelve calendar months, the bonds given for the duties thereon ſhall be cancelled; and in caſe the full duties payable for ſuch ſalt ſhall have been paid, and ſuch ſalt ſhall afterwards be exported, a drawback of all the duties which were ſo paid ſhall be allowed.

Bond to be given upon importation of foreign ſalt. 26 Geo. 3 c. 29 ſ. 10.

No perſons concerned in the ſaid fiſhery, to uſe on the ſhores of Newfoundland any ſeine or net for the purpoſe of catching cod fiſh, the meſh of which ſhall be leſs in dimenſions than four inches, under the penalty of forfeiting 100l. for every ſuch offence: proſecutions to be commenced within three calendar months after the offence committed.

Perſons uſing any ſeine or net with meſhes of leſs dimenſions than four inches liable to a penalty of 100l. Sect. 11.

All perſons concerned in the ſaid fiſhery, deſerting with intent to enter into the ſervice of any foreign ſtate, or who ſhall in any manner agree to abſent themſelves, or deſert the governor of Newfoundland, or his ſurrogates, or the judge of the vice-admiralty court, or any juſtice of the peace of Newfoundland, may iſſue his warrant to apprehend ſuch perſon, and, on the oath of one or more credible witneſſes, to commit him to priſon, there to remain until the next court of ſeſſion, and order ſuch deſerter to be detained in priſon, without bail or mainprize, for any time not exceeding three months, in caſe he ſhall have come from any of his majeſty's dominions for the purpoſe of carrying on the ſaid fiſheries.

Seamen deſerting to any foreign ſtate, or abſenting themſelves, &c. may be apprehended and committed, Sect. 12.



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Seamen intending to desert to be sent back. 26 Geo. 3. c. 26. s. 13.

Provided, that it shall be lawful for such governor, within the space of three months, or as soon after as may conveniently be, to cause every such person to be put on board a passage ship, in order to his being conveyed back to the country to which he belonged, and for which the master of such ship shall be paid in manner hereinafter mentioned; and every master or commander of such passage ship shall take on board such persons as the said governor shall direct, not exceeding four for each one hundred tons of such ship, and so in proportion for every ship under one hundred tons: provided nevertheless, that no person shall be so put on board of any ship which shall not be of the burthen of forty tons; but if any person convicted as above shall not have come from any of his majesty's European dominions, for the purpose of carrying on the fisheries aforesaid, then it shall be lawful for the said court of session to commit such person to prison, there to remain, without bail or mainprize, for any time not exceeding twelve calendar months.

Persons concerned in this fishery shall not sell, barter, or exchange ships, boats, tackle, &c. except with his majesty's subjects. Sect. 14.

Persons residing in Newfoundland, or carrying on the fishery on the banks thereof, shall not sell, barter, or exchange, any ship, vessel, or boat, of what kind or description soever, or any tackle, apparel, or furniture, used, or which may be used, by any ship, vessel, or boat, or any seines, nets, or other implements, used, or which may be used, in catching or curing fish, or any kind of bait whatsoever, which may be used in the catching of fish, or any kind of fish, oil, blubber, or seal skins, peltry, fuel, wood, or timber, to or with any person whatsoever, other than the subjects of his majesty.

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The governor of Newfoundland may iſſue his warrant to apprehend every offender againſt the preceding ſection, and on the oath of one or more credible witneſſes may commit him to priſon, there to remain until the next court of ſeſſion; and every ſuch perſon, if found guilty ſhall forfeit treble the value of the articles ſo ſold, &c.; and in caſe of non-payment of the penalty, the court may order ſuch perſon to be puniſhed, and dealt with in the ſame manner as deſerters are.

Perſons barter-ing, ſelling, ex-changing, &c. to be dealt with in the ſame manner as de-ſerters. 26 Geo. 3. c. 26. ſ. 15.

Perſons purchaſing, or taking in exchange, or by way of barter, any goods or commodities whatſoever, from any perſon, being a ſubject of any foreign ſtate, ſhall be apprehended and committed to priſon, and on conviction before the court of ſeſſion ſhall forfeit treble the value of ſuch goods or commodities ſo pur-chaſed, &c.; and in caſe of non-payment of the penalty, the court may order ſuch perſons to be dealt with as is directed with reſpect to de-ſerters.

Perſons purchaſ-ing, taking in exchange, &c. foreign goods or commodities to forfeit treble the value, and to be dealt with as di-rected in the caſe of deſerters. Sect. 16.

Provided, that nothing herein-contained ſhall extend to prevent bread, flour, Indian corn, and live ſtock, from being imported into Newfound-land in certain Britiſh veſſels, according to act of parliament.

Exceptions to the preceding ſection. Sect. 17.

The ſum for which the governor ſhall agree for the paſſage of any perſon from the ſaid iſland to the place to which he belonged, ſhall in no caſe exceed 40s. each perſon, and ſhall be paid to the maſter of ſuch ſhip, upon his producing to the court of ſeſſion a certificate from the governor of the numbers and names of the perſons taken on board by his direction, and of the times they were taken on board, and the ſeveral ſums agreed to be paid; which ſums

Not more than 40s. to be paid for paſſage of perſons ſent home by the governor, to be paid by court of ſeſſion, if ſuffi-cient fund; if not, commiſ-ſioners of the na-vy to allow 6d. per day for each ſuch paſſenger.



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26 Geo. 3. c. 26. the court of seſſion is to pay to ſuch maſter, if ſufficient funds ſhall remain in their hands.

If no funds in the court of ſeſſion, to be paid by commiſſioners of the navy. Sect. 19.

But if no ſufficient fund ſhall remain in the hands of the next court of ſeſſion, then every ſuch maſter, upon producing a certificate from the ſaid governor, and making an affidavit at his return, ſetting forth the time during which he ſubſiſted ſuch perſon, and that he did not, during that time, want any of his own complement of men, or how many he did want of ſuch complement, and for what time, ſhall receive from the commiſſioners of the navy 6d. *per diem* for the paſſage and proviſions of ſuch perſon, from the day of embarkation homewards to the day of arrival in Great Britain, the ſaid ſum of 6d. *per diem* only being deducted for ſuch time, and ſo many perſons as he wanted of his complement during his voyage.

Officers of his majeſty's ſhips may ſearch, examine, and detain any ſhips concerned in this fiſhery within the limits of their ſtations. Sect. 20.

Officers commanding any of his majeſty's ſhips at Newfoundland may ſtop and detain all ſhips, veſſels, or boats, of what nature or deſcription ſoever, coming to, or going from, the ſaid iſland, and belonging to, or in the ſervice or occupation of any of his majeſty's ſubjects, reſiding in, trafficking with, or carrying on this fiſhery, in any place within the limits of his ſtation, and detain, ſearch, and examine ſuch ſhip, &c.; and if upon examination there ſhall be reaſonable ground to believe that ſuch ſhip, &c. or any tackle, apparel, or furniture, uſed, or which may be uſed, by any ſhip, &c. or any implements or utenſils uſed, or which may be uſed, in catching or curing of fiſh, or any fiſh, oil, blubber, ſeal ſkins, fuel, wood, or timber, then on board of ſuch ſhip, &c. were intended to be ſold, bartered for, or exchanged, to the ſubjects of any foreign ſtate, or ſhall be

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diſcovered to have been ſold, bartered for, or exchanged; or if any goods whatſoever ſhall be found on board ſuch ſhip, &c. or ſhall be diſcovered to have been on board, having been purchaſed, or taken in barter, or exchange, from the ſubjects of any foreign ſtate; in every ſuch caſe he ſhall ſeize and ſend back ſuch ſhip, veſſel, or boat, to Newfoundland; and ſuch ſhip, &c. ſhall, upon due condemnation, be forfeited or loſt, and may be proſecuted for that purpoſe, by the officer ſeizing the ſame, in the vice-admiralty court of Newfoundland; one moiety of which forfeiture to be given to the ſaid officer, and the other moiety to the governor of Newfoundland, to be applied in defraying the paſſages home of ſuch perſons as are directed to be ſent back to the country to which they belong. 26 Geo. 3. c. 26.

The two following ſections relate to the conducting ſuits at law in conſequence of this act.

Every action or proſecution in conſequence of this act, ſhall be commenced within three months after the offence ſhall have been committed; but if the parties ſhall have quitted Newfoundland, within three months after return to Great Britain. Actions to be commenced within three calendar months after the offence committed. Sect. 23.

One moiety of the fines or penalties to be levied upon the ſeamen or fiſhermen (except thoſe for neglect of duty), and one moiety of ſuch ſhips, veſſels, or goods, as ſhall be ſeized, condemned, and forfeited, as before-mentioned (except where the diſtribution is otherwiſe directed by this act), ſhall be given to the informer, and the other moiety to the governor of Newfoundland, to be applied in defraying the paſſage home of ſuch perſons as are directed to be Application of penalties. Sect. 24.



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26 Geo. 3. c. 26. sent back to the country to which they belong.

Part of 15 Geo. 3. relative to the jurisdiction of vice admiralty court repealed. Sect. 25.

So much of the act of 15 Geo. 3. as gives any jurisdiction to the court of vice-admiralty for Newfoundland, with respect to enquiring into and determining disputes concerning the wages of any seamen and fishermen, or any offence committed by any hirer or employer of such seamen or fishermen, or any differences between them upon contracts or agreements is by this clause repealed.

27 Geo. 3. c. 19. s. 8.

No vessel whatever, not exceeding the burthen of thirty tons, and not having a whole or fixed deck, and being solely employed in the fisheries of Newfoundland, and the parts adjacent, shall be subject to be registered, pursuant to 26 Geo. 3.

29 Geo. 3. c. 53. s. 1.

No fish to be landed or dried at Newfoundland, unless caught by subjects of Great Britain, or of the British dominions in Europe.

34 Geo. 3 c 46. continued by 35 Geo. 3. c. 25. His majesty empowered to establish a court of criminal and civil jurisdiction, to be called the supreme court of judicature in the island of Newfoundland, with full power, &c.

By this act, his majesty, by commission under the great seal, is empowered to institute a court of criminal and civil jurisdiction, to be called THE SUPREME COURT OF JUDICATURE OF THE ISLAND of NEWFOUNDLAND, with full authority to hold plea of all crimes and misdemeanors committed within the island of Newfoundland, and on the islands and seas to which ships repair from thence, for carrying on the fishery, and on the banks of Newfoundland, in the same manner as plea is holden of such crimes and misdemeanors in England; and also with full power to hold plea, in a summary way, of all suits of a civil nature arising within the island of Newfoundland and seas adjacent. This court shall determine such suits, according to the law of England, as far as the same can

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be applied: it ſhall be a court of record, and ſhall be holden by a chief juſtice to be appointed by his majeſty. 34 Geo. 3. c. 46.

The following are the principal ſections of this act:

Governor, with advice of chief juſtice, may inſtitute ſurrogate courts. Sect. 2.

The governor, with the advice of the chief juſtice, may inſtitute SURROGATE COURTS in different parts of Newfoundland, as occaſion ſhall require, with full power to determine, in like ſummary way, all ſuits and complaints of a civil nature, which ſhall be determined according to the laws of England, as far as the ſame can be applied. Theſe courts to be courts of record, and holden by a ſurrogate appointed by the governor, with ſuch clerks, miniſterial officers, &c. as the governor ſhall think proper to appoint.

Mode of proceeding in the ſupreme and ſurrogate courts. Sect. 3.

The ſupreme and ſurrogate courts reſpectively, in ſuits depending, may cauſe to appear before them all perſons intereſted, in the matter in diſpute, from day to day, examine upon oath, and make ſuch order, judgment, or decree therein, and award ſuch damages and coſts, as the caſe may require. In caſes where the cauſe of complaint ſhall not exceed 5l. the firſt proceſs to be by ſummons; which, if not obeyed, or if the cauſe of complaint ſhall exceed 5l. an attachment may be iſſued againſt the goods, debts, or effects, of the perſon may be arreſted. Executions of orders, judgments, or decrees, may be enforced in a ſimilar manner; and the chief juſtice and ſurrogates reſpectively may authorize ſome perſons in their abſence to iſſue proceſs, and do all acts appertaining to the ſupreme and ſurrogate courts; hearing and determining civil or criminal actions only excepted.



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If no jurors, ſurrogates and aſſeſſors may proceed. 32 Geo. 3. c. 16. ſ. 4.

In actions exceeding 10l. jurors may be ſummoned; but if a ſufficient number ſhould not appear, two aſſeſſors, with the chief juſtice or ſurrogates, may proceed to trial.

Appeals. Sect. 5.

Appeals may be made from judgments, for ſums exceeding 40l. in the ſurrogate court; and in the ſupreme court for ſums exceeding 100l. to the king in council: notice having been firſt given of ſuch intention, and ſecurity entered into, to be approved by the chief juſtice, in double the ſum for which ſuch judgment was given; and as ſoon as notice is given, and ſecurity completed, proceedings ſhall be ſtayed.

Goods of perſons inſolvent. Sect. 6.

When goods are attached, if it ſhall appear that the party is inſolvent, the court ſhall order his effects to be collected and diſtributed.

Directions for the diſtribution of inſolvent's effects. Sect. 7.

In the diſtribution of the effects of an inſolvent, every fiſherman and ſeaman employed in the fiſhery, who ſhall be a creditor for wages become due in the then current ſeaſon, ſhall firſt be paid 20s. in the pound, ſo far as the effects will go; and in the next place, every perſon who ſhall be a creditor for ſupplies furniſhed in the current ſeaſon ſhall be paid 20s. in the pound; and laſtly, all other creditors ſhall be paid as far as the effects will go.

Certificate of the court, bars all ſuits for debt, prior to inſolvency. Sect. 8.

Inſolvent perſons, making a true diſcloſure and diſcovery of their effects, and conforming to the directions of the court (with conſent of one-half of the creditors in number and value), the ſame may be certified, and ſuch certificate ſhall be a bar to ſuits for debt prior to the declaration of inſolvency.



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Chief juſtice may grant adminiſtration of the effects of inteſtates and probates of wills; but adminiſtration of effects ſhall not be adminiſtered in Newfoundland, unleſs adminiſtration or probate ſhall have been duly granted.

Probates and adminiſtration to be granted by chief juſtice. 32 Geo. 3. c. 16. ſ. 10.

No court, except the ſupreme and ſurrogate courts, ſhall hold pleas of a civil nature; but the vice-admiralty court may hold plea of maritime cauſes (except for wages) and cauſes of revenue. Diſputes reſpecting the wages of ſeamen, &c. may be heard in the court of ſeſſions, or before two juſtices.

No court but the ſupreme court to hold pleas of a civil nature. Sect. 12.

Suits for debts not exceeding 40s. may be determined in a ſummary way by the court of ſeſſion, or two juſtices reſpectively, who may award coſts; and ſuch determination and award ſhall be final, and may be carried into execution by attachment and ſale of the goods and effects of the party.

Suits under 40s. Sect. 14.

The remaining ſections relate to the regulation of fees, recovery, and application of penalties, &c.

By the ſeventeenth ſection, no officer in the ſervice of the cuſtoms is capable of acting as a juſtice of the peace in Newfoundland.

Sect. 17.

The above act is continued until *thirty* days after the commencement of the next ſeſſion of parliament.

39 Geo. 3.

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## British Herring Fishery.

26 Geo. 3. c. 81. continued by 38 Geo. 3. c. 58. Bounties, &c.

A BOUNTY of 20s. per ton ſhall be paid annually to the owner of every decked veſſel, not leſs than fifteen tons burthen, manned and navigated according to law, employed in the Britiſh white herring fiſhery, under the following regulations.

Regulation of veſſels to be entitled to bounties. 26 Geo. 3. c. 81. ſ. 2. and 27 Geo. 3. c. 10.

Every buſs or veſſel, to be entitled to the above bounty, ſhall be built in Great Britain, and have on board (barrelled up in new barrels) twelve buſhels of ſalt for every laſt of fiſh which ſuch veſſel is capable of carrying, and alſo two hundred and fifty ſquare yards of netting, and not leſs than five men for the firſt fifteen tons, and one additional man for every additional five tons, and ſhall clear out of ſome port in Great Britain between the firſt of June and the twentieth of November in the ſame year, and ſhall proceed immediately upon the ſaid fiſhery, and there fiſh, without obſtructing any other veſſel employed therein, for three months at leaſt, unleſs ſuch veſſel, within that ſpace of time, ſhall return into port with a full cargo of fiſh taken wholly by the maſter and crew of ſuch veſſel.

No veſſel entitled to bounties, unleſs it proceeds directly from the port to which it belongs. 26 Geo. 3. c. 81. ſ. 3.

No perſon entitled to bounties for any veſſel which ſhall not proceed directly upon the fiſhery from that port to which ſuch veſſel ſhall belong, and where any one or more of the owners of ſuch veſſel ſhall reſide; and the owner or owners of ſuch veſſel ſhall take out a

Licenſe from the collector of the cuſtoms, &c.

licenſe to proceed, from the collector or comptroller of the port where ſhe was *bona fide* manned, victualled, furniſhed, accoutred, and fitted out.

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Veſſels, to be entitled to the benefit of this act, ſhall be viſited by ſuch officer of the cuſtoms belonging to her clearing port as ſhall be appointed, who ſhall certify to the ſaid commiſſioners of the cuſtoms ſuch his viſitation, examination, and admeaſurement, and that ſuch veſſel hath on board ſuch a quantity (the quantity of fiſhing-nets, ſtores, &c. as required by the ſecond ſection of this act). In caſe the owners, or one of them, or his agent, and the maſter of ſuch veſſel, ſhall make oath, before the collector or comptroller of ſuch port, to be ſubſcribed to the ſaid certificate, that it is really and truly their purpoſe and reſolution, that ſuch veſſel ſhall proceed immediately upon the Britiſh white herring fiſhery, there to continue fiſhing for three calendar months at leaſt (unleſs ſuch buſs or veſſel ſhall ſooner obtain a full lading of fiſh), without obſtructing any other veſſel employed in the ſaid fiſhery; and if the above-named parties ſhall become bound, with two ſufficient ſureties, in the penalty of treble the bounty on the tonnage of ſuch veſſels (which bond is to be in force for the ſpace of three years againſt the parties thereby becoming bound), for the faithful dealing of the ſaid maſter and his crew, then it ſhall be lawful for the collector and comptroller of ſuch port to grant full licenſe and authority to proceed on ſuch voyage.

Before proceeding, veſſels ſhall be viſited and meaſured by officers of the cuſtoms. 26 Geo. 3 c. 81. ſ. 4.

Oath to be made of the veſſel's being to proceed immediately on the fiſhery.

Security to be given for the faithful conduct of the crew, which is to entitle them to licenſes for the voyage.

Officer of the cuſtoms, on return of the ſhip, ſhall repair on board, and view the condition thereof, and of its lading, and certify the ſame, together with his obſervations thereon, and alſo the real tonnage of ſuch veſſel, and the names of the maſter and other perſons on board; and the maſter of ſuch veſſel ſhall make oath before

Officers of the cuſtoms, on return of the ſhip, to certify her condition, and oath to be made that ſhe has anſwered the terms required. Sect. 5.



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26 Geo. 3. c. 81. § 5. the collector or comptroller, to be written on, and annexed to the licenſe (which ſaid maſter is hereby required to deliver up), that ſuch veſſel did, without delay, proceed from the port in ſuch licenſe mentioned, and remained employed in the ſaid fiſhery purſuant to the ſecond and three preceding ſections; and that during the whole of the time, the nets, and other ſtores, and the number of men, by law required, were on board of the ſame veſſel, or employed in the lawful proſecution of the ſaid fiſhery; and that the ſaid veſſel hath not, ſince its laſt clearance outwards, been on any other voyage, or purſued any other deſign or view of profit than that of taking fiſh, or ſalting or curing the ſame, or ſalting or curing other freſh fiſh lawfully purchaſed at ſea; and that all the fiſh brought into port by the ſaid veſſel were taken by the crew belonging thereto, or (in caſe of ſuch veſſel not returning till after the expiration of three months) were purchaſed of Britiſh ſubjects; which certificate, licenſe, and oath, together with an account of the fiſh taken, ſhall be tranſmitted by the ſaid collector and comptroller to the commiſſioners of the cuſtoms in England, or to the commiſſioners of the cuſtoms or exciſe for Scotland reſpectively; and ſuch commiſſioners being fully ſatisfied, ſhall, on demand, cauſe payment to be made to the owner or owners, or to his or their aſſigns, by the receiver-general of the cuſtoms or exciſe, as the caſe ſhall happen, the ſum of 20s. per ton, according to the admeaſurement of ſuch buſs or veſſel.

Certificate.

Certificate, with licenſe, &c. to be tranſmitted to the commiſſioners, who are to order the bounty to be paid.

Any veſſel returning into port with a leſs number of men than ſuch veſſel is required to

Veſſels returning with a leſs number of men than required, unleſs through deſertion, ſickneſs, &c. not entitled to bounty.—Sect. 6.

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have, unleſs through death, ſickneſs, or deſertion, or which ſhall return within the ſaid three calendar months without a full cargo, unleſs the whole were actually caught and taken by the maſter and crew belonging to ſuch veſſel, ſhall not be entitled to any bounty on the tonnage thereof. 26 Geo. 3 c. 81. ſ. 6.

The commiſſioners of cuſtoms in England and Scotland reſpectively are to order the ſame bounty to be paid by the receiver-general or caſhier of the cuſtoms, for that part of Great Britain whence the veſſel ſhall have departed; but if the receiver-general or caſhier of the cuſtoms at Edinburgh ſhall not have ſufficient money in his hands, any three of the commiſſioners of cuſtoms there ſhall give the perſon entitled to receive ſuch bounty a certificate to the commiſſioners of exciſe for Scotland; which being affixed to the ſaid licenſe, and the other certificates and documents aforeſaid, and produced to the ſaid commiſſioners of exciſe, they are, on demand, to cauſe the ſaid money to be paid by the receiver-general or caſhier of the ſaid exciſe. Bounties to be paid by the receiver-general of the cuſtoms. Sect. 7.

For every barrel of herrings, twice packed, and completely cured, which ſhall, during one year, be landed from any veſſel entitled to the aforeſaid bounty of 20s. per ton, there ſhall, be a bounty of 4s. Bounty of 20s. per ton to be paid upon all herrings completely packed and cured. Sect. 8.

But if the number of barrels of herrings imported ſhall, in any one year, exceed the proportion of two barrels and a half of herrings, packed and cured as aforeſaid, for every ton burthen of ſuch veſſel, then there ſhall be paid for every barrel ſo exceeding the ſaid proportion, a bounty of 1s. only. Bounty of 1s. per ton only, if exceeding certain proportions. Sect. 9.

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How bounties upon herrings are to be computed. 26 Geo. 3. c. 81. ſ. 10.

All herrings upon which ſhall be claimed the ſaid bounties of 4s. and 1s. or either of them, ſhall be computed at the time of their being unſhipped, while they are in the ſtate in which they are uſually denominated *Sea-ſteeks*, or herrings not repacked; and that four barrels in that ſtate ſhall be conſidered as equivalent to three barrels packed a ſecond time.

Herrings not entitled to 20s. in what caſes to be paid 2s. per barrel. Sect. 11. See 35 Geo. 3. c. 56. ſ. 3.

For all herrings which ſhall be landed from any boat or veſſel not entitled to the bounty of 20s. per ton, and which ſhall afterwards be properly ſalted and cured, there ſhall be paid a bounty of 2s. per barrel.

Caſks to be branded in ſight of the officers of the cuſtoms, to diſtinguiſh ſuch herrings as are entitled to the tonnage from thoſe which are not. Sect. 12.

Before any bounty ſhall be paid, every caſk or package of herrings ſhall be branded, in the ſight of the officer of the cuſtoms, with a hot iron, in ſuch laſting marks as the commiſſioners of the cuſtoms ſhall direct, and as may effectually diſtinguiſh the caſks or packages containing herrings landed from veſſels entitled to the ſaid bounty on the tonnage thereof, from ſuch as contain herrings landed from boats or veſſels not entitled to ſuch bounty on the tonnage.

Bounties, how payable. Sect. 13.

The ſaid bounties of 4s. and 1s. ſhall be paid by the ſame perſons, in the ſame manner, as the bounty of 20s. per ton, upon a debenture or certificate, to be prepared and granted by the collector or comptroller of the cuſtoms in the port where the ſhip ſhall be entered, and to be verified by the perſon executing the office of ſearcher in ſuch port.

Additional premiums for encouragement of the Deep Sea Fiſhery. Sect. 14.

For the encouragement of the fiſhery, called the *Deep Sea Fiſhery*, over and beſides the ſeveral bounties herein-before granted, there ſhall be paid the additional premiums following, that is to ſay, for the greateſt quantity of

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herrings caught by the crew of any one veſſel (which ſhall be entitled to the ſeveral bounties of 20s. per ton, and 4s. and 1s. per barrel), and be imported by ſuch veſſel between the firſt of June and the thirty-firſt of November in any one year, the premium of eighty guineas; and for the next greateſt quantity the premium of ſixty guineas; and for the next greateſt quantity the premium of forty guineas; and for the next greateſt quantity the premium of twenty guineas: each of which ſaid premiums ſhall be paid at any time after the thirty-firſt of November in every year, by the ſame perſon, and in the ſame manner, as the ſame bounty of 20s. per ton. 26 Geo. 3. c. 81.

All duties payable for ſuch herrings, cod, ling, hake, ſalmon, or other white fiſh, caught and cured by Britiſh ſubjects, as ſhall be removed for home conſumption (except ſuch equalizing duties as are by this act expreſsly directed to be continued) ſhall ceaſe and determine. Duties upon fiſh removed for home conſumption are taken off. Sect. 15.

All ſuch dried cod, ling, or hake, as, under the 5 Geo. 1. or any ſubſequent act, have been entitled to the bounty of 5s. per hundred, granted by that act, 3s. per hundred weight only ſhall be paid for ſuch cod, ling, or hake, called *Haberdine*; and the bounty of 5s. per hundred, granted by the above-cited act, is diſcontinued and repealed. Bounty of 5s. per hundred upon cod, ling, &c. granted by 5 Geo. 1. repealed. Sect. 16.

All caſks in which fiſh (except freſh) ſhall be packed up, either for exportation or home conſumption, ſhall be marked with the names of the curers, burnt with an iron, in conſpicuous and permanent characters; or in default thereof, ſuch caſks to be ſeized by the officers of the Caſks to be marked with the curers names. Sect. 17.

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26 Geo. 2. c. 81. cuſtoms; and upon due proof thereof before a magiſtrate, ſuch caſks or barrels, together with the fiſh, ſhall be forfeited.

Staves of every barrel to be half an inch thick. Sect. 18. The ſtaves of every barrel in which white herrings or wet white fiſh ſhall be packed for exportation, ſhall be at leaſt half an inch thick at the bulge, and full bound; or in default of this, may be ſeized and forfeited.

Privileges for practiſing fiſhing for ſeven years. Sect. 19. Perſons who ſhall have followed the occupation of ſeamen on board any veſſel employed in the fiſheries of Great Britain (being married men) may ſet up and exerciſe any trade in Great Britain, as freely, and with the ſame proviſions, and under the ſame regulations, and with the like exception in reſpect to the two Univerſities, as any mariner or ſoldier may do by the 22 Geo. 2. intituled, "An Act to enable "ſuch Officers, Mariners, and Soldiers, as "have been in His Majeſty's Service ſince his "Acceſſion to the Throne to exerciſe Trades."

Sect. 20. Fiſh cured with ſalt made in any part of Great Britain may be carried into any other place in the ſaid kingdom.

Duties on fiſh cured with ſalt made in Scotland extended. Sect. 21. Rates and duties payable by 29 Geo. 2. c. 23. on the importation into England of ſalmon, cod, ling, tuſk, and other white fiſh, cured with ſalt made in Scotland, for which the duty hath been there paid and ſecured, ſhall be continued and extended to imported fiſh cured with ſalt made in any part of Great Britain; and the regulations of 29 Geo. 2. c. 23. are extended to this act.

White herrings, &c. may be carried from one place to another in Great Britain to be exported. Sect. 22. White herrings, red herrings, or any ſalmon, cod, ling, tuſk, or other white fiſh, may be carried from any place in Great Britain to any other place therein for exportation, the owner

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of the fiſh, or maſter of the veſſel, making oath, before the chief officer of the cuſtoms, or his deputy, that ſuch fiſh were caught in Great Britain, or on the coaſt thereof, and cured with ſalt delivered duty free from ſome port of the ſaid kingdom, and, when, where, and to whom, the ſaid ſalt was ſo delivered. 26 Geo. 3. c. 81.

Fiſh ſo brought, or conveyed coaſtwiſe from one place of Great Britain to another, ſhall, upon exportation of any part thereof to foreign parts, be entitled to the ſame allowances or bounties as by the act of the 5 Geo. 1. c. 18. are granted * on the exportation of fiſh cured in Great Britain, ſuch fiſh being ſubject to the ſame rules and regulations to prevent the re-landing or reimporting thereof, as preſcribed by 5 Geo. 1. c. 18. Fiſh ſo brought coaſtwiſe for exportation to be entitled to bounties.

No bounties upon exportation of fiſh ſo carried coaſtwiſe from any place in England to any place in Scotland, ſhall be paid in England; but the chief officer of the cuſtoms, or his deputy, ſhall give a debenture for the payment of the ſaid allowances or the bounties; which debenture being produced to the commiſſioners of the cuſtoms in England, they ſhall pay the ſame. Sect. 25.

Provided alſo, that the proprietor of ſuch fiſh as ſhall be put on board of any veſſel, whether for home conſumption or exportation, or his Entry to be made at the port of ſhipping, of the quantity, and where cured. Sect. 26.

* The 5 Geo. 1. c. 18. ſ. 6. (as amended by 26 Geo. 3. c. 18. ſ. 16.) gives the following allowances upon exportation:

| | s. | d. |
|---|---|---|
| Every caſk of pilchards or ſcads, containing fifty gallons | 7 | 0 |
| Every cwt. of dried cod fiſh, ling, or hake | 3 | 0 |
| Every barrel of wet cod fiſh, ling, or hake, containing thirty-two gallons | 2 | 0 |
| Every barrel of ſalmon, of forty two gallons | 4 | 6 |
| Every barrel of white herrings, of thirty-two gallons | 2 | 8 |
| Every barrel of full red herrings, of thirty-two gallons | 1 | 9 |
| Every barrel of clean ſhotten herrings, of thirty two gallons | 1 | 0 |
| Every laſt of dried red ſprats | 2 | 0 |



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26 Geo. 3. c. 81 s. 26.

agent, ſhall, before ſuch veſſel depart, make a full entry with the collector, or other chief officer of the cuſtoms there, or his deputy, of fiſh ſo ſhipped, expreſſing the number of barrels of wet fiſh, with the marks and numbers thereof, and the number and weight of each ſpecies of dry fiſh; and declare upon oath, that the ſaid fiſh were cured in Great Britain, or on the coaſt thereof, and whether they were cured with ſalt delivered duty free, or with ſalt for which the duty payable by law hath been paid or ſecured; and that the ſalt uſed in curing ſuch wet or dried fiſh reſpectively was taken on board from ſome port or place in Great Britain, and when and where it was ſo taken on board, and that no drawback for the ſame hath been had, or is intended to be had, upon the exportation of the ſaid ſalt; and the ſaid collector, &c. is likewiſe required to deliver to the maſter of ſuch veſſel, a certificate or cocquet that ſuch entry and oath have been duly made; which ſaid certificate or cocquet ſhall be delivered to the proper officer of the cuſtoms in the port or place where the ſame ſhall be imported, or landed, or put on board of any other ſhip or boat, upon pain of forfeiting all ſuch fiſh, and alſo double the value thereof, together with all the caſks or veſſels in which ſuch fiſh ſhall be found, the ſame to be recovered of the importer or proprietor of the fiſh, or of the maſter of the veſſel in which the ſame ſhall be imported.

Curers of fiſh in Great Britain may take from any ſalt works or pits in Great Britain, ſuch quantity of Britiſh ſalt as they ſhall think proper, as well for the curing of any kind of fiſh for exportation as for the curing of herrings and other fiſh taken in the herring fiſhery for home

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consumption, without paying any duty for the same, and may remove coastwise the salt so taken to any port in Great Britain; but such curers of fish, or their agents, must enter at the next office for the salt duty the quantity of salt so intended to be removed, and procure the same to be weighed, in the presence of an officer for the salt duties, and also make oath before such officer, declaring the true quantity thereof, and that all such salt is intended for the curing of fish for exportation, or for herrings or other fish taken in the herring fishery for home consumption; and that the said salt is intended to be removed coastwise to such port or place (naming the same), and shall not by their order, consent, or connivance, be sold, given away, or any ways delivered, but for the purpose aforesaid; and also to make a full entry of such salt, with the proper officer of the customs at the port where the same shall be shipped, for the purpose of being transported coastwise; and also give security to the same proper officer, by bond, for the due payment of such duties; and the proprietor of such salt, or his agent, shall, and before the same shall be relanded, make a full entry with the collector, or other principal officers there, of the salt so intended to be relanded, expressing the true quantity thereof; and also making oath before such collector, or other officer, that all the said salt was shipped at such port or place (naming the same), and when the same was so shipped, and that all the said salt is intended for the curing of fish for exportation, or for herrings or other fish taken in the herring fishery for home consumption; and that no part of such salt, since the same was shipped, hath been, or shall be sold, given away, or any ways delivered, but for the

36 Geo. 3. c. 81.

Salt for curing of fish taken in the herring season for home consumption, &c. may be taken duty free, upon the terms herein specified. Sect. 27.

Entry to be made at the port of shipping such salt, and bond given;

and like entry to be made at the intended port of relanding.



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26 Geo. 3. c. 81. purpoſe aforeſaid; and that no drawback for the ſame hath been had, or is intended to be had, upon the exportation of the ſaid ſalt; after which oath, the officer of the cuſtoms is required to deliver to the proprietor of the ſaid ſalt, or his agent, a certificate of entry, which is to cancel the bond, &c.

Officer of the cuſtoms to deliver certificate of entry, which is to cancel the bond, &c.

Salt carried coaſtwiſe, contrary to this act, ſhall be forfeited. Sect. 28.

If any Britiſh ſalt ſhall be removed from the works or pits, or tranſported or removed coaſtwiſe, or landed contrary to the regulations preſcribed by this act, ſuch ſalt, and alſo double the value thereof, beſides the duties payable for the ſame, ſhall be forfeited, to be recovered of the proprietor of ſuch ſalt, or the maſter of the veſſel ſo tranſporting or removing the ſame.

Salt may henceforward be delivered into cuſtody of the proprietor on his own bond. Sect. 29.

From the inconveniences ariſing from 8 Geo. 2. c. 12. and 25 Geo. 3. c. 63. relative to the ſureties to be found by the proprietor of ſalt, ſuch ſalt may now be delivered into the cuſtody of the proprietor, or his agent, who ſhall not be obliged or required, under the above acts, to give any ſecurity by ſureties, but his own bond, in double the amount of the duties only.

Sect. 30, 31. Credit to be given on the back of the bond for the quantity of ſalt accounted for, &c. and the bond is exempted from the ſtamp duties.

Sect. 32. Officers accepting fees to forfeit treble the value, and to be diſcharged.

Bounties, how payable. Sect. 33, 34. The bounty of 1s. per barrel to be paid to the inhabitants of the Iſle of Man, for herrings caught and cured by them, conformable to the regulations of this act; and on exportation thereof, to be allowed the bounties granted by 5 Geo. 1. c. 18.; which bounties are to be paid, if exported from the Iſle of Man, as the bounty

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of 1s. per barrel is payable there; and if from Great Britain, as the bounty on exportation from Britain, and under the like regulations. 26 Geo. 3. c. 81.

Duties now payable on the importation of herrings from the Isle of Man to cease; and the penalties on officers taking fees are extended to the fisheries of the Isle of Man. Sect. 35.

The oath required by 12 Geo. c. 58. may be administered by the revenue officer at the port in the Isle of Man where herrings are shipped. Sect. 36.

Commissioners of the customs may add to the salaries of officers in consequence of the abolition of fees.

Persons counterfeiting certificates, &c. to be punished as persons convicted of forgery; and taking false oaths, to be deemed guilty of perjury.

The remaining sections of this act relate to the application of penalties, mode of conviction, &c.

No vessel to be deemed to have a full cargo, if under the proportion of four barrels of herrings once packed, or three twice packed, for every ton burthen. What to be deemed a full cargo. 27 Geo. 3. c. 10. s. 3.

Decked vessels of not less than fifteen tons burthen shall be entitled to the bounties granted by 26 Geo. 3. c. 81. if they take in one year the proportion of six barrels of herrings, when cured, for every ton burthen, though they may not have been fitted out with the quantity of salt required by the said act. Decked vessels of not less than fifteen tons, in what cases entitled to bounties.

An account of the quantity of herrings delivered from vessels not fitted out agreeable to the above cited act, 26 Geo. 3. c. 81. to be taken at the port of delivery; and no more Not more than fifty vessels in one year from the same port entiled to the bounty of 20s. per ton.



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27 Geo. 3. c. 10. than fifty ſuch veſſels fitted out in one year from the ſame port ſhall be entitled to the bounty of 20s. per ton, which ſhall be paid to the fifty veſſels that ſhall have taken the greateſt quantity, if more than that number be fitted out.

Herring, &c. ſprinkled with ſalt on landing, may be carried coaſtwiſe in bulk duty free. 35 Geo. 3. c. 56. ſ. 4.

*Curers of herrings* in Great Britain, may, during each ſeaſon of the Britiſh fiſhery, carry coaſtwiſe in bulk, free of any duty whatever, herrings (or cod, ling, hake, or ſalmon, actually taken on the herring fiſhery) that ſhall have been depoſited under the care of the ſalt officers at any fiſhery upon the Britiſh coaſts, and there ſprinkled with ſalt taken out of any warehouſe under the revenue locks (ſuch ſalt having been there depoſited for that purpoſe only) to preſerve them until the ſame ſhall be afterwards carried coaſtwiſe to that part of Great Britain where they are to be entirely cured. Provided always, that the coaſt cocquet ſhall expreſs that no bounty has been paid or claimed for ſuch fiſh; and that they are ſubject to all the regulations for the ſecurity of the duties on ſalt.

The fifth ſection of this act recites an act of Queen Anne, paſſed in Scotland, whereby it was enacted, that ſheriffs, &c. ſhould viſit the curing and packing of herring or white fiſh within their reſpective bounds; and that in caſe there were broken, bruiſed, ſplit, or *not gutted*, herring or fiſh among them, the ſaid ſheriffs were thereby ordained to ſecure the whole caſks where ſuch inſufficient herring ſhould be found, and the perſons to whom they belonged ſhould pay one hundred marks *Scots*, and ſuch inſufficient herring ſhould not be exported at any time thereafter; and enacts,

S. 5. That ſo much of the ſaid act as relates to the ſecuring of caſks of herrings, to the paying the ſaid fine or penalty, and to their not being exported, for or in reſpect of any ungutted herrings being found therein, be repealed.

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The following is the ſubſtance of the 39 Geo. 3. c. 100. relative to this fiſhery.

This act recites the 26 Geo. 3. continued and amended by 35 Geo. 3. and enacts, that all the power and proviſions therein contained, ſhall, from and after the firſt of March 1799, be revived, and ſhall continue in force until the end of the next ſeſſion of parliament.

39 Geo. 3. c. 100.

26 Geo. 3 c. 81. and 35 Geo. 3. revived and continued in force till the end of the next ſeſſion.

The governor, deputy-governor, and directors of the BRITISH SOCIETY FOR EXTENDING THE FISHERIES, AND IMPROVING THE SEA COASTS OF THIS KINGDOM, incorporated by 26 Geo. 3. c. 106. are empowered to give the following premiums and loans to perſons at the ſociety's ſettlements, viz. 60l. a-year, in premiums or rewards to ſuch ſober and induſtrious perſons, reſident at any of the ſettlements of the ſociety as they ſhall deem moſt deſerving, by reaſon of their expertneſs in fiſhing, curing of fiſh, preparing of ſoap or oil from fiſh, making of nets, or in the cultivation of the ſoil, or other uſeful arts, tending to the advancement of the beneficial purpoſes of the ſaid ſociety; and alſo to lend at legal intereſt a ſum not exceeding 500l. for the purpoſe of purchaſing, building, or equipping, boats or other veſſels for the fiſhery; and alſo ſuch further ſums on loans to ſuch perſons as may build houſes or tenements at any of the ſettlements of the ſociety, the ſum ſo lent not exceeding one-third of the value of the houſes or tenements ſo to be built, ſuch value to be aſcertained by ſatisfactory certificates, and to be repaid by equal inſtalments in the courſe of five years; and alſo ſuch ſums, not exceeding 200l. in loans, on proper ſecurity, to be repaid in one year, to ſuch perſons as may undertake to provide ſtores

The governor, &c. of the Britiſh Society, incorporated by 26 Geo 3 c. 106 empowered to give premiums, and advance loans, to perſons at the Society's ſettlements.

60l. a-year in premiums to perſons the moſt expert in fiſhing, &c.

500l. in loans to perſons, for purchaſing veſſels for the fiſhery, and further ſums for building;

200l. in loans to perſons providing ſtores at the ſettlements;



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39 Geo. 3 c. 100. of oatmeal or ſalt, or other neceſſaries at either of the ſaid ſettlements. for the uſe of the inhabitants thereof, the ſum lent to ſuch perſon in no caſe to exceed two-thirds of the value of the ſalt, oatmeal, or other neceſſaries which ſuch perſon ſhall become bound to provide; and alſo ſuch ſums of money, not exceeding 200l. in loans, to ſuch perſons as may undertake to eſtabliſh any manufactory of nets, ſail-cloth, or cordage, or of ſpinning of hemp, flax, or woollen yarn, ſuch ſum not exceeding three years, and in no caſe to exceed two-thirds of the value of the hemp, flax, wool, or other materials, which ſuch perſon ſhall have provided, or become bound to provide, for ſuch manufactory.

and 200l. more to perſons who undertake to eſtabliſh a manufactory of nets and ſail-cloth, &c.

By the third and laſt clauſe, the ſurplus-money of the ſociety may be inveſted in government ſecurities, or lent on heritable bonds in Scotland.

By the following act, the fiſheries are extended, under certain neceſſary reſtrictions, to the ſubjects of the United Provinces.

Inhabitants of the United Provinces may carry on the fiſheries, under certain regulations.

35 Geo. 3. c. 56. ſ. 7.

If any perſon, being a ſubject or inhabitant of the United Provinces, who has been employed in carrying on the herring, cod, ling, haddock, or other white fiſheries, or the fiſheries carried on in the Greenland Seas and Davis's Streights, or the turbot fiſheries, or in building veſſels, or in cutting whalebone, or in making nets or barrels, or in preparing ſalt for the ſaid fiſheries, ſhall come into this kingdom, with intent to reſide herein, and ſhall go before ſome juſtice of the peace, ſheriff depute or ſubſtitute, or principal magiſtrate of ſome city or town in this kingdom, and ſhall take the oath of allegiance to his majeſty, and ſhall obtain a certificate of his having taken ſuch oath (for which

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he ſhall pay no greater fee than 2s.); and if ſuch perſon ſhall produce ſuch certificate to the commiſſioners of his majeſty's cuſtoms in England or Scotland reſpectively, and ſhall make it appear to the ſatisfaction of ſuch commiſſioners, that he is a ſubject or inhabitant of the ſaid United Provinces, and has been employed in ſome one or other of the ſaid fiſheries, trades, or employments, the ſaid commiſſioners of his majeſty's cuſtoms ſhall grant to ſuch perſon a certificate thereof, and ſuch perſon ſhall be forthwith entitled to enter for importation duty free and afterwards to re-export any cargo of fiſh, or the produce thereof, caught in any of the ſaid fiſheries, which he may then have brought into the ports of this kingdom, and ſhall from thenceforth be authorized to carry on, from the ſaid ports, the ſaid fiſheries, or any of them, or to exerciſe in any place therein any of the ſaid trades or employments, and to import and export ſuch fiſh or oil, or the produce thereof, to or from any ports in this kingdom, in the ſame manner, and with all the ſame advantages, as any Britiſh ſubject, and be entitled to all ſuch bounties, premiums, and emoluments, as are granted by the acts of 26 Geo. 3. c. 81. and 27 Geo 3. c. 10. and continued by this act, and to no other; ſubject, nevertheleſs, in the caſe of claiming ſuch bounties, to the ſame rules, regulations, reſtrictions, penalties, forfeitures, and ſuch perſon ſhall thereupon be entitled to become the maſter or mariner of any Britiſh ſhip or veſſel in carrying on any of the ſaid fiſheries. 35 Geo. 3. c. 56.

Inhabitants of the United Provinces may import and export fiſh duty free.

If any ſuch perſon, who ſhall have qualified himſelf in manner before directed, being the owner, in whole or in part, of any ſhip or veſſel

Ships to be regiſtered, &c. Sect. 8.

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35 Geo. 3. c. 56 employed in ſome one or other of the ſaid fiſheries, ſhall bring any ſuch veſſel into any of the ports of this kingdom, and ſhall prove, in the manner directed in the act for the further increaſe and encouragement of ſhipping and navigation, his having taken the oath hereunto annexed *, inſtead of the oath required by the ſaid act, it ſhall be lawful for his majeſty, with the advice of his privy council, to order ſuch ſhip or veſſel, ſo owned, to be regiſtered, and to have a certificate thereof; and ſuch ſhip or veſſel ſhall, by virtue thereof, become entitled to the privilege of a Britiſh built ſhip or veſſel, under the regulations and reſtrictions hereinafter mentioned.

During ſuch time as the owner or owners of ſuch ſhip or veſſel ſhall continue to reſide within this kingdom, ſuch ſhip or veſſel may carry on any of the ſaid fiſheries and import and export into and from this kingdom, and carry to the port of any country in Europe the fiſh caught in any or the ſaid fiſheries, and the oil and other produce thereof; and ſuch ſhip or veſſel ſhall be entitled to the like advantages as any Britiſh built ſhip or veſſel employed in any of the ſaid fiſheries, and to all ſuch bounties, premiums, and emoluments, as are

To have the privileges of Britiſh-built ſhips. Sect. 9.

* FORM OF THE OATH.—This oath is the ſame as that preſcribed in a preceding act (page 157). with this difference towards the concluſion:

That I, A. B. [*and the other owners, if any*] being a ſubject [*or ſubjects*] inhabitant [*or inhabitants*] of the United Provinces, [*or having been an inhabitant or inhabitants thereof, and reſident in this kingdom, deſcribing the particulars thereof as to the place and date*] have [*or he or they have or hath*] taken the oath of fidelity and allegiance to his majeſty the king of Great Britain [*deſcribing the time when, the place where, and before whom taken*] ; and that no foreigner, not having complied with the conditions above-mentioned, directly or indirectly, hath any ſhare or part or intereſt in the ſaid ſhip or veſſel. 35 Geo. 3. c. 56. ſ. 12.

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granted by either or both of the acts continued by this act; ſubject neverthelefs, in caſe of claiming ſuch bounties, to the ſame duties, rules, regulations, reſtrictions, penalties, and forfeitures; and every ſuch ſhip may import from any ſuch foreign European port in return for ſuch fiſh, oil, or produce, any articles which any Britiſh built ſhip, may, by law, import from thence; ſubject, neverthelefs, to the ſame duties, rules, regulations, reſtrictions, penalties, and forfeitures, as any Britiſh built ſhip ſo employed in the like trade: provided always, that every ſuch ſhip ſhall be manned with the number required by law, either of Britiſh ſeamen, or by ſubjects or inhabitants of the ſaid United Provinces, who have come to, and reſide within this kingdom, and have qualified themſelves in manner before directed. 35 Geo. 3. c. 56.

Any perſon ſo qualified as aforeſaid ſhall be entitled to purchaſe, or take by deſcent, and hold any eſtate, in lands, tenements, or hereditaments (not exceeding one hundred acres) in the ſame manner as any natural-born ſubject of this kingdom. Perſons ſo qualified may take by deſcent or purchaſe. Sect. 10.

Any perſon, qualified in manner before-mentioned, may import, and bring into this kingdom, all ſuch ſhips, tackle, and furniture, and all nets, and other articles, employed in ſuch fiſheries, and alſo all houſehold goods, and wearing apparel, without payment of any duty whatſoever; provided it ſhall be made appear to the ſatisfaction of the commiſſioners of the cuſtoms in England and Scotland reſpectively, that ſuch articles reſpectively are not imported by way of merchandize. Perſons qualified as above may import ſhips, tackle, &c. ſuch articles not to be imported by way of merchandize.

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## MACKAREL FISHERY.

Fish curers in Great Britain may import salt for curing fish duty free. 35 Geo 3. c. 54

FISH curers in Great Britain may import any quantity of foreign salt, or take any quantity of British salt, from any salt-works and salt-pits, and remove coastwise the salt so imported or taken for the purpose of curing mackarel (or any cod, ling, hake, or salmon, being taken in the mackarel fishery) for home consumption, without paying any duty for the same, except the customs due on the importation thereof, in as full a manner as any curers of fish engaged in the herring and pilchard fishery are enabled for home consumption.

Bounties.

For every barrel of white mackarel twice packed, and completely cured, containing thirty-two gallons, which shall be exported from Great Britain into any parts beyond seas (except into any part of the Mediterranean, in which case no bounty given by this act shall be paid) a bounty of 2s. 8d. shall be paid; and for every barrel of mackarel which shall be landed from any boats or vessels, and which shall hereafter be properly salted and cured there, shall be paid a bounty of 1s.

Fish cured for home consumption may be carried coastwise.

Any person may carry from any port or place in Great Britain to any other place or port in the said kingdom, any mackarel or any cod, ling, hake, or salmon, being taken in the mackarel fishery, and cured for home consumption.

Officers appointed to pay bounties to retain certain sums in hand.

The proper officers appointed to pay the bounties given by this act, are directed to retain in their hands, the following sums, to defray the charges attending the passing of this act, until the same shall amount to 200l. viz. for every barrel of mackarel on which the

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bounty of 1s. shall be payable, the sum of 6d. and for every barrel of mackarel on which the bounty of 2s. 8d. shall be payable, the sum of 1s. 6d. 35 Geo. 3. c. 54.

## Oyster Fishery.

ANY person who shall use any net, trail, dredge, or other instruments, within the limits of any oyster fishery, or shall dredge for oysters, or oyster brood, or use any oyster dredge, or any net, instrument, or engine whatsoever, within the limits of any oyster fishery, for the purpose of taking or catching oysters or oyster brood, although no oysters or oyster brood shall be actually taken, or shall with any net, instrument, or engine, drag upon the ground or soil of any such fishery, all and every such person, not lawfully entitled to take or catch oysters therein, shall be deemed guilty of an offence and misdemeanor, and may be prosecuted for the same by indictment at the assizes, or general quarter sessions of the peace, for the county in which such fishery shall lie; and the justices in sessions are hereby authorized and required to hear and determine such offences; and such persons, being lawfully convicted by verdict or confession, may be punished for either of the said offences, either by fine and imprisonment, as the court shall think proper, such fine not to exceed 20l. nor be less than 40s. and such imprisonment not to be for more than three months, nor less than one month.

Persons unlawfully catching oysters or brood within the limits of any fishery punishable by fine and imprisonment. 31 Geo. 3. c. 51

Provided, that nothing in this act shall extend to prevent, or hinder, any person from taking, catching, or fishing, for any floating fish in the waters or creek, within the limits of any oyster

Act not to extend to the taking floating fish. Sect. 2.

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52 Geo. 3. c. 52. fishery, with any net, instrument, or engine, which shall be made or fitted for the purpose of taking or catching floating fish only.

Justices may issue warrants for apprehending offenders, and for want of sureties may commit them till the quarter sessions. Sect. 3.

Any justice of the peace for any county, riding, or division, wherein any such offence shall be committed, upon a complaint and oath thereof made before him within thirty days next preceding such complaint, shall issue a warrant for the apprehending such person so offending, and for bringing the offender before him; and such justice shall, if he see cause, commit him, there to remain until the then next assizes, or then next general quarter sessions of the peace, for such county, until such person shall enter into recognizance, with two good and sufficient sureties, in the penalty of 20l. each, to appear, and answer to any indictment that may be preferred against him by virtue of this act.

Persons found taking or using engines for taking oysters or brood, refusing to discover themselves, may be seized, &c. Sect. 4.

If any person shall be found actually taking or catching any oysters, or oyster brood, within the limits of any oyster fishery, or dredging for oysters, or oyster brood; or using any oyster dredge, or any net, instrument, or engine whatsoever, for the purpose of taking or catching oysters, or oyster brood, although no oysters, or oyster brood, shall be actually taken; or with any net, instrument, or engine, dragging upon the ground or soil of any such oyster fishery; any person being owner, lessee, occupier of such fishery, or otherwise lawfully entitled, to take or catch oysters therein, and his apprentice or servant, in case the person so offending refuses to discover his true place of residence, may seize such offender, and carry him before a justice, who shall proceed against such offender as if brought before him upon warrant.



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No juſtice to commit or require ſecurity from any perſons, unleſs recognizance is entered into to proſecute. 31 Geo. 3. c. 51. ſ. 5.

Perſons may be diſcharged from confinement upon entering into recognizance. Sect. 6.

This act not to affect any act now in force reſpecting any particular oyſter fiſhery, nor to preclude proſecutions at common law. Sect. 7, 8.

## THAMES FISHERY.

THE court of aſſiſtants of the Fiſhermen's Company (or the major part of them preſent) may make ſuch bye-laws and ordinances for the good rule and government of the ſaid Company as they ſhall think fit, ſo as the ſame may be always firſt approved of, or, from time to time, altered or amended by the court of the lord mayor and aldermen of the city of London. There ſhall be yearly elected and choſen by the next court of lord mayor and aldermen, out of the ſix wardens of the ſaid Company for the time being, to be nominated by the ſaid court of aſſiſtants, one fit perſon to be a maſter of the ſaid art or myſtery of fiſhermen; and alſo out of twelve aſſiſtants to be nominated as aforeſaid, ſix fit perſons to be wardens of the ſaid art and myſtery (whereof the water-bailiff of the city of London ſhall be one); and in like manner out of ſixty of the commonalty, to be nominated, thirty fit perſons, to be aſſiſtants of the ſaid Company; which ſaid maſter, wardens, and aſſiſtants, or any ſixteen of them, together with three of the ſaid wardens, ſhall conſtitute the court of aſſiſtants of the ſaid Company for the time being; and ſhall aſſemble together, from time to time, on the firſt Thurſday in every month in the year,

Court of aſſiſtants of the Fiſhermen's Company may make bye-laws, &c. for the government of the ſaid Company. 9 Anne, c. 27. Sect. 1.

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9 Anne, c. 26. in the Hall of the ſaid Company, for the better regulating and reforming abuſes committed in the ſaid fiſhery, and for the due ordering and governance of the ſaid fiſhery, to the holding of which court the ſaid water-bailiff ſhall be always duly ſummoned to attend. And the ſaid court of aſſiſtants, or the major part of them preſent, ſhall, from time to time, call before them all and every ſuch perſon and perſons, as ſhall uſe to fiſh or dredge within the limits of the ſaid fiſhery, and cauſe every ſuch perſon or perſons, being duly qualified, or having ſerved in her majeſty's navy for the ſpace of two years, to have his or their names regiſtered in a book or books, to be kept by the ſaid court of aſſiſtants, together with the reſpective places of abode, and the name of every apprentice or ſervant belonging to him or them. And ſhall likewiſe cauſe ſome mark of diſtinction, by figure or otherwiſe, to be placed on every boat, veſſel, or craft, that ſhall be uſed in fiſhing or drudging; which ſaid figure, or mark of diſtinction, ſhall not be changed, altered, or defaced, to the end that every perſon or perſons, apprentice, and ſervant, as ſhall offend, contrary to the meaning of this act, may be the better detected; and that her majeſty may be the better enabled to know what number of able-bodied ſeamen the ſaid Company can furniſh for public ſervice.

Perſons ſummoned, and refuſing to appear, to be ſent on board the fleet. Sect. 1.

Every perſon or perſons being duly ſummoned by the ſaid court of aſſiſtants to appear before them, in order to be entered and ſerve on board her majeſty's navy. Perſons ſo ſummoned, and refuſing to appear, ſhall be ſent on board the fleet, and diſabled to fiſh in the ſaid river of Thames for the ſpace of two years.

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## Freight, Charter-Party, and Demurrage.

THE ſeveral regulations upon theſe heads are ſo intereſting to all perſons concerned in commerce, that it is unneceſſary to apologize for touching upon them here.

In treating upon theſe topics, we have begun with the ſeveral definitions, and proceeded to the leading principles of each, in the order in which they occur: a mode by which not only a more perſpicuous idea will be conveyed reſpecting theſe ſubjects, but the reciprocal duties of merchants or factors and maſters and ſhip-owners, will be more diſtinctly traced.

The number of merchant ſhips which have been recently taken up by the Tranſport Board, renders the ſubject of freighting veſſels for that ſervice more important and intereſting than has ever occurred before. The principles and regulations, therefore, relative to this ſervice, will be found under the head TRANSPORT SERVICE, which will be a diſtinct and additional head.

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Definition of freight.

Freight is the ſum agreed upon between the merchant and ſhip-owner for the hire of a ſhip, or carriage of goods. Sometimes the term freight is uſed to ſignify the cargo or loading, inſtead of the ſum agreed upon for the carriage.

Taking a ſhip to freight.

Ships may be hired from the maſter or owner either in part, or in the whole, by the month, for an entire voyage, or by the ton. This is technically termed *taking a ſhip to freight.*



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How a verbal agreement will operate.

If there be a *verbal agreement* only, and earneſt given, and the ſame be broken off by the merchant, according to the Rhodian law he loſes his earneſt; if the maſter or owners repent, they forfeit double. But by the common law of England, either of the parties damnified may bring his action upon the caſe, and recover all the damages of the agreement.

Freight where no agreement.

Freight will however ariſe, not only by the terms of a charter party, or verbal agreement, but by common uſage; for when goods are ſent on board generally, ſuch freight becomes payable as is cuſtomary for the like goods in ſimilar voyages.

Cargo anſwerable for freight.

The lading of the ſhip is tacitly bound for the freight, which, in point of payment, is preferred before all other debts to which the goods ſo laden are liable, although ſuch debts, as to time, were precedent to the freight, for the goods remain, as it were, *bailed* to the maſter for the freight, nor can they be attached in his hands. But in the ſame manner as the goods are reſponſible to the ſhip for hire, ſo is the ſhip anſwerable to the owner of the goods in caſe of damage or waſte through defect of the veſſel, want of ſailors, &c.

What is meant by a trading voyage.

A trading voyage is, when a ſhip is freighted from one port to another, and thence to a third, a fourth, and home to the port whence he firſt ſailed: this is conſidered as but *one* voyage, but it muſt be performed conformably with the agreement or charter-party.

Having given the above definition, we ſhall proceed by enumerating the ſeveral deſcriptions of freight, with the principles upon which they are ſupported; after which the principal regulations relative to charter-party; and conclude with demurrage.

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The uſual deſcriptions of freight are as follow, viz. freight by the ton, or parcels, freight by the great, freight by the month, freight for the voyage out, freight out and home, freight for paſſengers, freight for cattle, freight for wine when it has leaked, &c.

Freight by the ton or parcels.

If a ſhip be freighted by the ton, and ſhe is full laden according to the charter-party, freight is to be paid for her whole tonnage, otherwiſe only for ſo many tons as the lading amounted to.

If a ſhip be named to be of a certain burthen, and ſhall be found leſs, the number of tons actually laden on board ſhall only be paid for.

If the burthen be expreſſed to be two hundred tons, or *thereabouts*, the addition of the word thereabouts is uſually eſtimated within five tons more or leſs.

If a ſhip freighted by the ton or parcels be caſt away, and part thereof ſaved from the wreck, queſtions have ariſen whether freight ſhould not be paid *pro rata*.

Freight by the great.

If a ſhip be freighted by the great, and her burthen is not expreſſed, the ſum certain ſhall nevertheleſs be paid; and if a burthen be expreſſed, and the ſhip be found not to amount to that burthen, the ſum certain ſhall alſo be paid; and if a ſhip freighted by the great is caſt away, the freight is loſt.

Freight by the month.

In freighting a ſhip by the month, calendar months are meant; and thus it is always calculated by the merchants of London.

If a ſhip be freighted at the rate of 20l. for every month that ſhe ſhall be out, to be paid after arrival at the port of London, and the ſhip be caſt away coming up from the Downs, but



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the lading is all preſerved, freight becomes due; for the money ariſes monthly by the contract, and the place mentioned is only to point out where payment is to be made. The freight moreover becomes due on the *delivery* or bringing up of *the merchandize*, and not on the arrival of the ſhip.

Freight for the voyage out.

If a ſhip be freighted out, and the maſter covenants that the ſhip ſhould ſail out of the port to Cadiz with the firſt fair wind and opportunity, and the freighter covenants that for the freight of all the premiſes he would pay unto the maſter 184l.; if the maſter do not ſhew that the ſhip arrived at Cadiz, he cannot recover the freight.

In a contract between a merchant and a maſter of a ſhip, that, if he carries the merchants goods to ſuch a port, he will then pay him ſo much money for freight: if on making ſuch voyage the ſhip is robbed by pirates, part of her loading loſt, and afterwards the remainder brought to the port of diſcharge, in this caſe the ſum agreed upon for freight is not due, the agreement on the part of the maſter not having been performed; and this is a conditional contract. But by the civil law, this is otherwiſe; for thereby the ſame is a danger of the ſeas, which, if not expreſſed in marine agreements, is naturally implied; and here there was no default in the maſter or his mariners; and had theſe goods ſo carried away by pirates been thrown overboard in ſtreſs of weather, it would not have worked a diſability in the maſter to receive the ſum agreed upon; becauſe, both by the common and marine law, the act of God, or of an enemy, ſhall not work a wrong in actions between individuals, pirates being eſteemed in law enemies.

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When a ſhip is freighted *out* and *in* (or *out* and *home*), no freight is due till the whole voyage be performed; ſo that if ſhe be caſt away coming home, the freight *outwards*, as well as *inwards*, becomes loſt. Freight out and home.

If freight be contracted for the tranſporting of women, and they happen in the voyage to be delivered of children, no freight becomes due for the infants. Freight for paſſengers.

A maſter of a ſhip is not bound to anſwer freight to the owners for paſſengers, where it appears they are not able to pay.

If freight be agreed upon for a lading of certain cattle, or the like, from Dublin to Weſt Cheſter, and ſome of them happen to die before the ſhip's arrival, the whole freight is due, as well for the dead as the living: but if the contract be to tranſport them at ſo much per head, freight will become due only for ſuch as are living at the port ſpecified for diſcharge of the ſhip. Freight for cattle.

If freight be taken for one hundred tons of wine, and twenty of them leak out, ſo that there is not above eight inches from the bulge upwards, yet the freight becomes due; but if they be under eight inches, it has been conceived by ſome that they may be flung up to the maſter for freight; yet moſt think otherwiſe: for if all had leaked out, if no fault were found in the ſtowage by ſurvey from the Trinity Houſe, there is no reaſon the ſhip ſhould loſe her freight, for the freight ariſes from the tonnage taken: and if the leakage were occaſioned through ſtorm, it might perhaps come into an average. Immediately after a ſtorm, a proper examination ſhould be made, and maſters of ſhips ought to make their regular proteſt. Freight for wine when it has leaked.



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Definition of the charter party.

The terms of the contract for hiring, or, as it is technically termed, *taking a ſhip to freight*, when reduced to writing, and executed by the freighter, and the maſter or owner of the ſhip, is called the charter-party.

A charter-party is the ſame in the civil law as an indenture is at common law. It ſettles the terms upon which the cargo is to be carried, as the bills of lading determine the contents of the cargo; the maſters or owners uſually bind themſelves, the ſhip, tackle, and furniture, that the goods put on board or freighted ſhall be delivered (dangers of the ſeas excepted), well conditioned, at the place of diſcharge agreed upon. The maſter or ſhip owner generally covenants to provide a ſufficiency of tackle and mariners, and to fit the ſhip in every reſpect for performing the voyage. The merchant or freighter, on his part, ſtipulates to pay the money agreed upon for freight on the delivery of the goods: penalties are annexed on both ſides for the non-performance.

A charter-party may be made by the maſter for himſelf and owners; in which caſe the maſter may releaſe the freighter, without adviſing with the owners: but if the owners let out to freight the ſhip, ſpecifying the particular maſter, then, though the maſter covenant in the ſame charter-party, and ſubſcribe it, his releaſe will not bind the owners, although the owners releaſe will include the maſter.

Factors may enter into a charter-party.

So likewiſe may a factor enter into a charter-party. If a factor freight a ſhip by order, and for account of another, out and home, and a charter-party is made between him and the maſter, the factor is liable for all the freight, and performance of all the covenants; but if



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the ſhip be only freighted outwards, and loaded by the factor, the goods ſhipped, are alone liable for the freight, and no demand can be made on the freighter, by virtue of the charter-party; but the conſignee of the goods is to pay the freight according to the bills of lading.

If, by the time appointed in the charter-party, the freighter is not ready to load, the parties are at liberty; and the party injured has his remedy by action for damages.

If part of the lading be on board, and ſome intervening accident prevent the merchant from ſhipping the whole in time, the maſter is at liberty to contract with another, and ſhall have freight, by way of damage, for the time that theſe goods were on board after that limited. For any failure after complete loading will end the contract, unleſs afterwards *affirmed by conſent*. And though it be not prudent for a merchant or maſter to depart from the contract on every non-compliance with the terms, yet it is but juſtice that, under ſuch circumſtances, ſhips and maſters ſhould remain free: for otherwiſe by the bare lading of a ſingle bale, the opportunity of a paſſage might be loſt, and the ſeaſon of the year might prevent the voyage.

If goods are fully laden on board, and the ſhip hath *broken ground*, and the merchant again unloads them, according to the *marine law*, freight is notwithſtanding due. Where no freight was to be paid for the cargo *outwards*, but freight for the cargo homewards, and the freighter's factor abroad had no goods to load on board, her freight was decreed.

If a ſhip be freighted out and home, and deliver her cargo at the place agreed on;



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or if a ſhip be freighted to go to any place to load, and arrive there, and the freighter's factor cannot, or will not, put any thing on board, the maſter muſt ſtay the days of demurrage agreed upon by the charter-party, and make a regular proteſt for the non compliance of his freighter, who will in this caſe be obliged to pay him, empty or full; though, ſhould the maſter not wait the time ſtipulated, or omit to make his proteſt, he will loſe his freight. If the maſter, on his finding no goods provided, ſhould load ſome on his own account, ſuch as ſalt, &c. this will be no bar to his recovering his freight; but if the maſter take in ſuch ſalt, &c. on his own account, before the days of demurrage are expired, and that, by ſome condition with the freighter, he may ſtill claim freight, in ſuch caſe the freighter is to have the benefit of the ſalt in deduction of ſuch freight.

If a freighter, by loading prohibited or unlawful goods, occaſion the detention of the ſhip, or otherwiſe impede the voyage, he will have to pay the freight agreed for.

Performance of the charter-party by the maſter or owner.

If, by the time appointed in the charter-party, the ſhip is not ready to take in, the parties are at liberty, and the party injured will recover damages.

If part of the goods be on board, and ſome intervening misfortune ſhould prevent the remainder from being ſhipped, the merchant may ſhip them on board another, diſcharge the firſt, and recover damages againſt the maſter or owner for the reſt.

If the ſhip in her voyage becomes unable without the maſter's fault, or that the maſter or ſhip be arreſted by any foreign prince or ſtate in her voyage, the maſter may either *mend his*

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*ſhip or freight another*; but if the merchant will not conſent thereto, then the freight becomes due for ſo much as the ſhip hath earned; otherwiſe the maſter is liable for all damages that ſhall happen; and therefore, if that ſhip to which the goods were tranſlated periſh, the maſter ſhall anſwer; but if both the ſhips periſh, then he is diſcharged: but in caſe of extreme neceſſity, as that the ſhip would be in a ſinking condition, and an empty ſhip is paſſing by, or at hand, he may tranſlate the goods; but if that ſhip ſinks or periſhes, he is there excuſed; but then it muſt be apparent that this ſeemed *probable* and *ſufficient*.

If a maſter weigh anchor, and ſail after the time covenanted or agreed for his departure, if any damage happens at ſea after that time, he ſhall refund, and make good all ſuch miſfortune; yet if a charter-party be made, that the plaintiff ſhall ſail from London to Liſbon, with the firſt wind and opportunity, &c. in conſideration of which, the merchant did not covenant to pay ſo much for freight, and the ſhip departs not with the firſt wind and opportunity, yet afterwards breaks ground, and arrives at her port, the freight in this caſe becomes due, and there is nothing can debar the ſhip of her freight but non-departure, for only that in law is material to avoid the payment of the freight; but to ſay the ſhip did not depart with the next wind, is but a circumſtance which in ſtrictneſs of law is not neceſſary to be denied.

If it be agreed that the maſter ſhall ſail from London to Leghorn in two months, and freight accordingly is agreed on, if he begins the voyage within two months, though he does not



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arrive at Leghorn within the time, the freight becomes due.

The East India Company might by charter-party keep a ship they had freighted a long time in India, and did so keep her, till she was unfit for service, and could not come home. They were obliged in chancery to pay the damage, though by the charter-party it was payable at the return of the ship,

If a master lets out his ship, and afterwards secretly takes in other goods, unknown to the first freighter, by law marine he loses his freight; and if it should so fall out that any of the freighter's goods should, for safety of the ship, be cast overboard, the rest shall not become subject to average, but the master shall make the damage good; though if the goods be brought into the ship secretly, and unknown to him, it is otherwise; and goods so brought in may be subject to what freight the master shall think fit.

When a ship puts into any other port than that she was bound to by agreement, the master shall answer all damages that shall accrue thereby; but if she was forced in by storm, enemies, or pirates, he must afterwards proceed to that he was obliged to by contract.

If a ship in her voyage happens to be taken by an enemy, and afterwards is retaken by another ship in amity, and restitution is made, and she proceeds on in her voyage, the contract is not determined, though the taking by the enemy divested the property out of the owners; yet by the law of war that possession was defeasible, and being recovered in battle afterwards, the owners became re-invested; so the contract,

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by fiction of law, became as if she had never been taken, and the entire freight becomes due.

It was covenanted by a charter-party, that a ship should return by a certain time within the River Thames (the danger of the sea excepted), and afterwards in the voyage, and within the time of the return, she was taken upon the sea by enemies unknown to the covenantor; and being detained by them, could not return within the time mentioned by the covenant. *Resolved*, This impediment was within the exception; for these words intend as well any danger upon the sea by pirates, or men of war, as dangers of the sea by shipwreck, tempest, &c.

How far a charter-party will be affected by an embargo.

If, before the departure of the ship, there should happen an embargo, occasioned by war, reprisals, or otherwise, with the country to which the ship is bound, so that she cannot proceed on her voyage, the charter-party shall be dissolved, without damages or charges to either party; and the merchant shall pay the charges of unlading his goods; but if the restraint arises from a difference between the parties themselves, the charter-party shall still remain valid in all points.

If the ports be only shut, and the vessels stopped for a time, the charter-party shall still be valid, and the master shall be reciprocally obliged to wait the opening of the ports and the liberty of the ships, without any pretensions for damages on either side.

However the merchant, at his own charges, may unlade his goods during shutting up of the port, upon condition either to relade them, or indemnify the master.

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Demurrage.

Demurrage is an allowance made to the maſter of a ſhip by his freighters, for ſtaying longer in a place than the time firſt appointed for his departure, and is generally inſerted in the charter-party to be paid daily, as it becomes due: the days are always limited; ſo that on the expiration thereof, and proteſts duly made, the maſter is at liberty to proceed.

Bills of lading.

A bill of lading * is an account of the goods ſhipped by the merchant or factor delivered on board the veſſel, and ought to be ſigned by the maſter within twenty-four hours after delivery of the goods.

The difference between a bill of lading and a charter-party is, that the firſt is required and given for a ſingle article, or more, laden on board a ſhip that has ſundry merchandize ſhipped on ſundry accounts—but a charter-party is a contract for the whole ſhip.

* FORM OF A BILL OF LADING, purſuant to a recent alteration made by the ſhip-owners of London.

A. B. N. 1 a 10

Shipped in good order by L. M. merchant, in and upon the good ſhip called ————, whereof C. D. is maſter, now riding at anchor in the River Thames, and bound for Alicant, in Spain, ten bales, containing fifty pieces of broad cloth, marked and numbered as per margin, and are to be delivered in the like good order and condition at Alicant aforeſaid (*the act of God, the King's enemies, fire, and all and every other dangers and accidents of the ſeas, rivers, and navigation, of whatever nature and kind ſoever, ſave riſk of boats, ſo far as ſhips are liable thereto, excepted*), unto F. G. merchant there, or to his aſſigns, he or they paying for the ſaid goods per piece for freight, with primage and average accuſtomed. In witneſs whereof I, the ſaid maſter of the ſaid ſhip, have affirmed to *three* bills of lading of this tenor and date; the one of which bills being accompliſhed, the other two to ſtand void. And ſo God ſend the good ſhip to her deſigned port in ſafety. Amen.

Dated at London

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Upon delivering the goods on board the veſſel, the maſter, or any perſon officiating for him during his abſence, may give a receipt for them, which is to be delivered up upon the maſter's ſigning the bill of lading.

When the goods are delivered at the port of deſtination, giving up the bill of lading to the ſhippers, factors, or aſſigns, will be a ſufficient diſcharge; but the maſter may inſiſt on a receipt.

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## Greenwich Hoſpital.

THIS noble ſtructure, at once a monument of national genius, grandeur, and munificence, was founded in 1694, by King William and Queen Mary. It is delightfully ſituated upon the ſouthern banks of the Thames, elevated on a Terrace about eight hundred and ſixty-five feet in length towards the river, and conſiſts of four diſtinct piles of building, diſtinguiſhed by the names of *King Charles's*, *Queen Anne's*, *King William's*, and *Queen Mary's*. The internal between the two moſt northern buildings, viz. King Charles's and Queen Anne's, forms the grand ſquare, which is about two hundred and ſeventy-three feet wide.

But it is more within the ſcope of the preſent work to detail the moſt intereſting particulars of information relative to the internal regulation of this inſtitution, than to deſcribe or enumerate the various beauties of the edifice; at the ſame time we may be allowed to remark, that for beauty, ſolidity, and magnificence, this building, if it has been any where equalled, is no where ſurpaſſed.

For the information of thoſe who may be more immediately concerned, as entitled to the benefits of the Hoſpital, the particulars relative to penſioners, their mode of admiſſion, allowance of proviſions, pocket-money, and cloathing to the penſioners, out penſioners, mode of admiſſion, nurſes, infirmary, and ſchool, will be given in the order in which they occur.

The following is the preſent eſtabliſhment of officers;

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PRESENT ESTABLISHMENT OF OFFICERS.

A Maſter and Governor
A Lieutenant-Governor
Four Captains
Eight Lieutenants
A Treaſurer and Receiver-General
A Secretary
An Auditor
Two Chaplains
A Phyſician
A Steward
A Surgeon
A Clerk of the Checque
A Surveyor
A Clerk of the Works
A Diſpenſer
Three Matrons
A Schoolmaſter
An Organiſt
A Butler
Several Clerks, Under Officers, &c.

OF PENSIONERS.

The number of penſioners now maintained in the Hoſpital is two thouſand three hundred and fifty. Every boatſwain is allowed 2s. 6d.; every mate, 1s. 6d.; and every private man, 1s. per week pocket money.

They are alſo allowed, in the ſpace of two years, a ſuit of blue clothes, a hat, three pair of blue yarn hoſe, three pair of ſhoes, and four ſhirts. Their diet conſiſts of one loaf of bread of ſixteen ounces, and two quarts of beer, per day. One pound of mutton on Sunday and Tueſday; one pound of beef on Monday, Thurſday, and Saturday; peaſe ſoup, cheeſe, and butter, on Wedneſday and Friday.

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# TABLE of ALLOWANCE of PROVISIONS, POCKET-MONEY, and CLOTHES, to the PENSIONERS of GREENWICH HOSPITAL.

| | Bread. | Beer. | Beef. | Mutton. | | Pocket Money per Week. | Clothes every Two Years. |
|---|---|---|---|---|---|---|---|
| SUNDAY | 1 lb. av. | 2 Quarts | —— | 1 lb. av. | | Boatswain — s. 2 d. 6 | One Suit of Blue. |
| MONDAY | Ditto | Ditto | 1 lb. av. | —— | | Mate — 1 6 | One Hat. |
| TUESDAY | Ditto | Ditto | —— | 1 lb. | | Private — 1 0 | Three Pair of Shoes. |
| WEDNESDAY | Ditto | Ditto | —— | —— | Peafe Soup, Cheefe and Butter. | | Three Pair of Blue Yarn Hofe. |
| THURSDAY | Ditto | Ditto | 1 lb. | —— | | | Four Shirts. |
| FRIDAY | Ditto | Ditto | —— | —— | Peafe Soup, Cheefe and Butter. | | |
| SATURDAY | Ditto | Ditto | 1 lb. | —— | | | |

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### MODE OF APPLYING FOR ADMISSION.

Perſons deſirous to be admitted penſioners are to apply at the Admiralty Office at leaſt ten days before the day of examination (the days at preſent appointed for that purpoſe are the firſt Thurſdays in January, April, July, and October), where they receive letters directed to the proper officer at the Navy Office, for certificates of their time of ſervice in the navy; which certificates are ſent to the Admiralty before the day of examination, when the candidates are examined by the Board (the ſurgeon of the Hoſpital attending), and thoſe who are found to be proper objects are minuted to be ſent to the Hoſpital, and as vacancies happen are ſent accordingly.

### OF OUT-PENSIONERS.

There are an indefinite number of theſe, who receive 7l. *per annum*, and are appointed in the ſame manner as thoſe before-mentioned. After they are appointed, they are to take their warrants to the Treaſurer's Office in the Hoſpital, where a ticket is delivered to them, by which they are empowered to receive their penſion, by quarterly payments, either on the ſpot, or, if reſiding at any great diſtance, from collectors of the cuſtoms or exciſe, in conſequence of certificates ſigned and tranſmitted by the treaſurer, and atteſted by the ſteward or clerk of the checque.

### NURSES.

The number of theſe is one hundred and forty-ſeven, who muſt all be *widows of ſeamen*, and under the age of forty-five at the time of admiſſion. They are required to take out certificates of their huſband's ſervice in the navy, in the ſame mode as the penſioners, and produce certificates of their age and marriage to the Board of Admiralty (on the day of examination), by whom they are appointed.



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### BOYS.

This eſtabliſhment (conſiſting of one hundred and fifty), which is intended for the maintenance and education of ſons of ſeamen, is ſolely under the management of the Directors, who nominate the boys in rotation. Previous to their admiſſion, the following particulars muſt be proved by proper certificates, viz.

*That they are the ſons of ſeamen.*
*Between eleven and thirteen years of age.*
*Objects of charity.*
*Of ſound body and mind, and able to read.*

The ſchool-room is capable of containing two hundred boys, who are educated in reading, writing, and navigation, and after three years reſidence at the Hoſpital are bound out for ſeven years to the ſea ſervice only.

### THE INFIRMARY.

This is a capacious building, divided into two principal parts; one for the patients under the care of the phyſician, and the other for thoſe whoſe caſes require the attendance of a ſurgeon.

Each part is two ſtories in height, containing a double row of rooms, being altogether in number ſixty-four, calculated to hold two hundred and fifty-ſix patients; each room has a chimney-place, with an aperture near the ceiling, for the purpoſe of ventilating, and will accommodate four patients.

In the fore-part of this building, conſiſting of the phyſician's diviſion, is the hall; oppoſite to it, in the back part which belongs to the ſurgeon, is the kitchen; and in the upper ſtory is a ſmall chapel, where prayers are read



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by the chaplains twice a week, for the benefit of the patients.

Other parts of this building comprize the diſpenſary and ſurgery, and apartments for the phyſician, for the ſurgeon, and diſpenſer, with their reſpective aſſiſtants, and for the matron; and adjacent within the walls are hot and cold baths.

Such are the proviſions which the Legiſlature, the genuine organ of a country grateful to her brave defenders, has eſtabliſhed for their comfort and accommodation; and this ſuperb and hoſpitable ſtructure bears ſplendid teſtimony to ſurrounding nations that Great Britian is not more pre-eminently diſtinguiſhed for her naval triumphs than for a grateful attention to thoſe intrepid ſeamen by whom thoſe triumphs have been achieved.

Not like the mariner of other countries, poorly provided, and coldly diſmiſſed when his ſervices are no longer wanted, or, if diſabled, abandoned to ſickneſs and beggary; the Britiſh Seaman is not only liberally provided while in actual ſervice, but when diſabled or ſuperannuated, food, clothing, medicine, every neceſſary accommodation and comfort, including even the education of his children, are here provided by the Government.

——Hic requies Senectæ
Hic modus lasso maris et viarum
*Militiæque.*

——*Feſſos tuto placidiſſima portu accipit.*

But not to the Government alone is this kind and grateful attention excluſively confined; the country at large, with laudable and generous emulation, rivals the Legiſlature, and independent of the ample bounties paid upon entering the ſervice, immenſe ſubſcriptions have been



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at various times received for the relief of the wounded, and the relatives of the killed. In this reign of frequent triumph —of unparalleled naval achievement—a victory is no ſooner announced than the widows and children of the ſlain excites the firſt and univerſal ſympathy—a ſubſcription is inſtantly opened, and the moſt opulent merchants and citizens of the metropolis ſet a liberal example, which rapidly ſpreads throughout the realm.

It is from theſe circumſtances that Great Britain is—WHAT SHE IS—and whilſt covering the oppreſſed beneath her ſhield, brandiſhes her righteous ſpear againſt thoſe mad deſtroyers who have deſolated defenceleſs countries, and ſo long "frighted Europe from her propriety." What is the powerful cauſe that the Britiſh forces volunteer at the firſt call wherever their ſervices are required?—The encouragement they receive, the eſtimation they are held in by Government and their countrymen. —Not like the herd of hand-cuffed conſcripts, lingering in reluctant march, or goaded on by the point of the bayonet to join an army banded for plunder, and whoſe "progreſs has been tracked by deſolation"—the patriot legions of Great Britain fly at the firſt call to aſſert the cauſe of ſuffering humanity; aſſured that falling, poſterity will be juſt to their fame, and if wounded or diſabled, their munificent country has appointed no leſs than A PALACE for their reception.

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By an act, intituled, "*An Act for the Increaſe and Encouragement of Seamen,*"

5 & 8 Will. 3. c. 21. ſ. 10. Every ſeaman, whether in the king's or merchant ſervice, ſhall pay 6d. a month to Greenwich Hoſpital.

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Pariſh boys bound apprentices to ſea are exempted till eighteen years of age from paying the 6d. a month to Greenwich Hoſpital. 2 & 3 Anne, c. 6. ſ. 7.

Upon vacancies, the admiralty may appoint diſabled ſeamen, or their wives or children, and the widows and children of ſeamen, ſlain, killed, or drowned in the ſea ſervice, to be maintained in the Hoſpital. Wives and children of ſeamen killed, &c. may be maintained by Greenwich Hoſpital. Sect. 19.

Every maſter or owner navigating in his own ſhip or veſſel, whether employed on the high ſeas, coaſt, or harbour, ſhall pay the ſaid 6d. a month for every ſeaman on board his ſhip, and deduct it out of their wages. Maſters to pay the 6d. per month for every ſeaman to Greenwich Hoſpital. 10 Anne, c. 17. ſ. 1, 2.

The admiralty may appoint receivers, who may depute the collectors and other officers of the cuſtoms to receive this duty, to whom the admiralty are to allow what they think reaſonable, out of the ſaid duties, for their trouble. Admiralty may appoint receivers, &c. to receive the 6d. per month. Sect. 3.

The receivers may ſummon maſters of ſhips, and examine them on oath, as to the number of their ſeamen, and time of their ſervice, ſo as the perſon ſo ſummoned be not obliged to travel above ten miles for the making ſuch appearance. Receivers may ſummon and examine maſters of ſhips. Sect. 4.

Maſters (or in their abſence the owners) refuſing to appear when ſo ſummoned (not having a reaſonable excuſe), or if they ſhall appear ſhould refuſe to anſwer ſuch examination upon oath, which the receivers or their deputies are empowered to adminiſter, ſhall forfeit *twenty pounds*; one half of which to be for the uſe of the Hoſpital, and the other to the proſecutor. Maſters, &c. refuſing to appear to forfeit 2 l. Sect. 4.

Ships attempting to go to ſea, without paying the duty for the preceding voyage, may be Ships may be ſtopped till payment of the duty. Sect. 4.



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10 Anne, c. 17. ſtopped by the receivers or their deputies till the ſaid duty be paid.

On death or removal of maſters of ſhips, a true account of the duty due to, and money to pay the ſame ſhall be delivered to the ſucceeding maſter. Sect. 4.

On the death, or removal of any maſter or commander of any ſhip, the owners ſhall deliver to the ſucceeding maſter a true account of the ſaid duty due, and money ſufficient for the payment of the ſame, to the receivers thereof; and in default thereof, ſuch receivers, or their deputies, may ſtop the ſhip from proceeding to ſea till the ſaid duties ſhall be paid.

Quaker's affirmation to be accepted inſtead of an oath. Sect. 5.

In all caſes where an oath is required, the ſolemn affirmation or declaration of the people called quakers ſhall be accepted; and if ſuch quaker ſhould refuſe to make ſuch affirmation, in any caſe where another perſon is required to take an oath, he ſhall forfeit and be ſubject to the like penalties as the other perſon refuſing to take an oath; and in caſe any ſuch quaker ſhall affirm or declare any matter which ſhall be falſe, or if any other perſon ſhall make a falſe oath, he or they ſhall ſuffer the fines and puniſhments of perſons convicted of wilful perjury.

Sect. 6.

No contracts by ſeamen, concerning the time of being paid their wages, to obſtruct the payment of the duty.

Seamen, though not in the royal navy, may be admitted. Sect. 20.

Sect. 21.

Any ſeaman (though not in the royal navy) diſabled in defending a ſhip belonging to the king's ſubjects, or in taking a ſhip of an enemy, may be admitted into the Hoſpital.

If any ſhip not of the navy faſtens to the queen's moorings, the maſter ſhall forfeit 10l. for every tide he ſtays, unleſs neceſſitated by ſtreſs of weather, or other unavoidable accident; one moiety to Greenwich Hoſpital.

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Seamen (though not in the royal navy) maimed in fight with pirates, to be rewarded, and admitted into Greenwich Hoſpital, preferable to ſeamen diſabled from ſervice, or getting a livelihood merely by their age.

Seamen maimed in fight with pirates to be admitted. 8 Geo. 1. c. 24. ſ. 5.

The duties of 6d. per month to Greenwich Hoſpital to be paid by all veſſels belonging to Jerſey, Guernſey, Alderney, Sark, and Man, and within all and every of his majeſty's colonies, iſlands, and dominions.

The duty of 6d. per month to be paid within all his majeſty's dominions. 2 Geo. 2. c. 7. ſ. 1.

Receivers of the ſaid duties to appoint collectors in the ports of the ſaid iſlands, colonies, &c.

Sect. 2.

The ſaid collectors may ſummon and examine maſters or owners of ſhips belonging to ſuch ports, upon oath, in the ſame manner as the receivers of the ſaid duty ſummon and examine maſters of ſhips in Great Britain or Ireland.

Collectors on the iſlands, colonies, &c. may examine maſters of veſſels upon oath relative to the duty. Sect. 3.

Such maſters or owners, refuſing to appear or anſwer on appearance, ſhall forfeit 20l. lawful money of Great Britain, or the value thereof in the money of the ſaid iſlands, colonies, or dominions.

Maſters refuſing to appear when ſummoned to forfeit 20l. Sect. 3.

Traders from the iſlands and colonies to Great Britain or Ireland, ſhall pay what is due on their arrival, and the other part at their return to ſuch iſlands, colonies, &c. Traders from Great Britain to pay only at home.

When duties to be paid. Sect. 4.

Maſters of merchant ſhips hired by the Navy, or other public offices, may be ſummoned and examined by the receivers; and on refuſing to be examined ſhall forfeit 20l.

Maſters of merchant ſhips hired for the navy may be examined. Sect. 5.



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Secretaries of the navy to give the receiver a liſt of ſhips, men, &c. employed to the receivers.—2 Geo. 2. c. 7. ſ. 6.

Secretaries of the Navy, and other public offices, to give to the receivers at London a liſt of ſhips, and number of their men, employed in their ſervice.

Treaſurers of the navy not to pay wages to maſter of any ſhip until he produce an acquittance from the duty. 2 Geo. 2. c. 7. ſ. 6.

The treaſurer of the Navy, or other public officer, is not to pay wages to a maſter of a ſhip till he produce an acquittance from the receiver that he has paid the duty of 6d. a month, and is not more than thirty days in arrear.

Maſters of ſhips to pay duty before they are cleared inwards. 2 Geo 2. c 7 ſ. 7.

Maſters of ſhips to pay the duty before they are cleared inwards, in any port in Great Britain, Ireland, or any of his majeſty's iſlands, colonies, dominions, &c.; and no officer belonging to the cuſtoms ſhall ſuffer any ſhip to go out of any of the ports above-mentioned, until the maſter or owner produce an acquittance from the receivers, or their deputies, that the ſaid commander or owner has paid the ſaid duty, and that he is no more than thirty days in arrear to the ſaid hoſpital. Maſters, &c. refuſing or neglecting to pay the ſaid duty of 6d. per month within the time limited, ſhall forfeit 20l. if the forfeiture be incurred in Great Britain or Ireland, or to that amount in the money of the iſland, &c. where the ſame ſhall be incurred.

Maſters of ſhips not paying the duty forfeit 20l.

Sect. 8. Quakers affirmation to be taken inſtead of an oath.

Sect. 9. Forfeitures incurred by this act, one moiety to Greenwich Hoſpital.

This duty extended to officers and ſeamen in privateers. 18 Geo. 2. c. 31. ſ. 1.

Officers and ſeamen in privateers or ſhips having letters of marque, to pay 6d. a month to Greenwich Hoſpital.



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Commanders or owners of privateers, &c. to detain the ſame, out of wages or ſhares of prizes, and pay it over to the receiver appointed by the admiralty.

Commander or owner to detain it out of wages or ſhares. &c. 18 Geo 2. c. 31. ſ. 2.

Commanders, before ſailing from any port, ſhall give the collectors of the cuſtoms a liſt of his men, and ſhall deliver upon oath to the collector of the port where he arrives, with an account of thoſe wanting, under penalty of 50l. One moiety to the ſaid Hoſpital.

Commander before ſailing ſhall give the collector a liſt of his men. Sect. 3.

The receivers of the duty may examine commanders or owners of privateers or letters of marque, as to the number of their men and time of ſervice.

Receivers may ſummon commanders or owners. Sect. 4.

50l. Penalty for refuſing to appear or anſwer to the examination; one moiety thereof to the Hoſpital.

Sect. 5.

The receivers may ſtop privateers and letters of marque from going to ſea till the duty is paid.

Sect. 6.

Perſons belonging to any of his majeſty's ſhips of war, or to any merchant ſhip, employed in his majeſty's ſervice, running or withdrawing themſelves from the ſhip by which any prizes ſhall have been taken, ſhall have any claim, intereſt, or ſhare, in ſuch prizes, or bounty money given by 13 Geo. 3. c. 40. or any part thereof, but ſuch ſhares of ſuch prizes and bounty money ſhall be paid to Greenwich Hoſpital.

Run men forfeit their prize money to Greenwich Hoſpital. * 20 Geo. 2. c. 24. ſ. 2.

* In the quarto edition of the ſtatutes relating to the admiralty, it is queried, how much of the ſtatute remained in force at the end of the war with Spain and France, 1748.—It does not appear from the reſearches made by the editor of this work, that this act has been expreſsly repealed, although the ſeventh and eighth and ſome other clauſes relative to agents accounting with the treaſurer of Greenwich Hoſpital, &c. have been re enacted *verbatim* by 33 Geo. 3. c. 66. although no notice is taken of this act by 20 Geo. 2. c. 24.

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Sales of prize money void. 20 Geo. 2. c. 24.

For preventing impoſitions on ſeamen, mariners, and ſoldiers, and thereby encouraging them to quit and leave their ſhips, all bargains, ſales, bills of ſale, contract, agreement, and aſſignment whatſoever, for ſhares of prizes, ſhall be void.

Agents to account to the treaſurer of Greenwich Hoſpital. Sect. 7. 33 Geo. 3. c. 66.

Agents diſpoſing of prizes ſhall, within the ſpace of three calendar months next after the day appointed for the firſt payment or diſtribution of prizes, make out, tranſmit, and deliver, unto the treaſurer of Greenwich Hoſpital, or ſuch perſon as he ſhall appoint, a true ſtate and account in writing of the produce of ſuch prizes, with an account of the payments of the ſeveral ſhares to the captors as ſhall then have been really paid; and alſo a true ſtate of the bills for the bounty: and agents ſelling prizes ſhall, within three years, make out in writing an exact account of the produce of ſuch prizes, bills for bounty, and payment of the ſeveral ſhares to the reſpective captors, to the treaſurer, or his deputy, upon oath; and at the ſame time ſuch agent ſhall deliver the ſaid accounts ſo atteſted upon oath, together with all ſuch remaining ſums then ſo left, taking from the treaſurer or his agent their acquittance for the ſame.

Penalty. Sect. 8. 33 Geo. 3. c. 66.

Agents neglecting to deliver accounts as aforeſaid to forfeit 100l. over and above the money which ſhall then remain in the hands of any ſuch agent; one third to his majeſty, and the other two-thirds to Greenwich Hoſpital.

Agents colluſively balancing accounts to forfeit 100l. 33 Geo. 3. c. 66.

Agents guilty of colluſion or deceit in making or balancing ſuch accounts, their aiders and abetters, ſhall forfeit, over and above the penalties and puniſhments inflicted by for-

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mer acts, 100l. ; one-third to his majesty, and the remaining two-thirds to Greenwich Hospital. 20 Geo. 2. c. 24.

Registers in the court of admiralty in America, or elsewhere in any other of his majesty's dominions, shall annually transcribe and transmit copies of such letters of attorney as shall be registered, in the said court, to which the judges shall affix their seals, and transmit the same to the treasurer, to be there registered and inspected *gratis* ; the charges of sealing and transmitting the same to be paid by the agents at the time of making such registry.—Registers refusing to transcribe and transmit such copies of the said letters of attorney, to forfeit 500l. Registers of court of admiralty in America, &c. to send copies to Greenwich Hospital. Sect. 13.

Copies of such letters of attorney, and transcripts, under seal, registered by the treasurer of Greenwich Hospital, shall be good evidence of the agency of the person to whom such letter of attorney shall be made *. Copies of letters of attorney, &c. evidence. Sect. 14.

Penalty of 5l. for taking to pawn, buying, &c. the clothes, linen, or other goods of the Hospital, from the pensioners or nurses ; or causing the colour to be changed, or marks defaced. Penalty of taking to pawn, &c the clothes &c. of Greenwich Hospital. Sect. 16.

Offender not able to pay the penalty to be committed for three months, or whipped. Ibid.

A pensioner or nurse running away with clothes, linen, or other goods, to be committed for six months. Ibid.

Governors of Greenwich Hospital may grant out-pensions to seamen worn out and become infirm or decrepid. 3 Geo. 3. c. 16. s. 1.

* This and the preceding clauses are re-enacted *verbatim* by the 33 Geo. 3. c. 66. sections 51, 52, 53.

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3 Geo. 3. c 16. f. 2.

All assignments, bargains, or contracts whatsoever, of pay, made by out-pensioners, to be null and void.

The owner to make out and transmit duplicates of out-pensions to the receiver of the land tax, collector of the excise, or clerk of the checque, who are to pay the out pensions upon proof of the personal identity. Sect. 3.

The treasurer of the Hospital to make out duplicates of the out-pensions, made payable to such out-pensioner by the receiver-general of the land-tax, collector of the customs, collector of the excise, or clerk of the checque respectively, according to the appointment in such bills, numbered and dated and to be signed by the said treasurer, or his first clerk, and attested by the steward or clerk of the checque of the said Hospital; which duplicates being cut asunder, one of the bills to be sent to the person nominated therein, and the other to the said receiver-general of the land-tax, collector of the customs or excise, or clerk of the checque, on whom they are drawn, who, upon the duplicates being produced, together with a certificate, under the hands of the minister and churchwarden, that the person is, to the best of their knowledge and belief, the same mentioned or named in the bill, and upon oath of the person producing the said bill, which oath they are authorized to administer, shall immediately pay to such out-pensioner, without fee or reward, the amount of the bill *.

Sect. 6.

Personating out-pensioners, in order to receive their pensions, is declared felony without benefit of clergy.

Shares of run men, and shares unclaimed, to be forfeited to Greenwich Hospital. 33 Geo. 3 c 66. f 6.

The shares of all officers and seamen who shall be marked run, and all shares not legally demanded within three years after the same shall have been paid into Greenwich Hospital, shall be forfeited to the said Hospital; unless

* Prize Act, 33 Geo. 3. c. 66. f. 6a.

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the mark run ſhall be taken off, or reaſonable cauſe ſhewn to, and allowed by, the governors of the ſaid Hoſpital, or judge of the admiralty. 33 Geo. 3. c. 66.

Captains of men of war wilfully deſerting their convoy in purſuit of any ſhips of the enemy; or having captured a prize, for the purpoſe of carrying ſuch prize into port; or commanders of ſhips having on board his majeſty's diſpatches, ſailing out of their courſe, with a view of making prize of any ſhips of the enemy; ſuch commander, if convicted thereof by a court martial, ſhall forfeit his ſhare of every ſuch prize to his majeſty, for the uſe of Greenwich Hoſpital. Captains deſerting convoys to take prizes, to forfeit their ſhares to Greenwich Hoſpital. Sect. 7.

If any commander, officer, ſeaman, mariner, ſoldier, or others, ſhall break bulk on board, or embezzle any of the money, jewels, plate, goods, merchandize, tackle, furniture, or apparel, belonging to any prize, he ſhall, for every ſuch offence, forfeit his whole ſhare therein to Greenwich Hoſpital, and treble the value of ſuch articles as he ſhall embezzle; one-third to the uſe of Greenwich Hoſpital, and the other two-thirds to ſuch perſon as may ſue for the ſame. Commanders breaking bulk, or embezzling property on board prizes, to forfeit their ſhares to Greenwich Hoſpital. Sect. 46.

Regiſters of the court of admiralty are to tranſmit annually to the treaſurer of Greenwich Hoſpital copies of all letters of attorney regiſtered in their courts, under penalty of 500l.—Expence of ſuch copies to be paid by the agents.

By the ſixty-eighth and ſixty-ninth ſections, the penalties inflicted by this act not particularly diſpoſed of ſhall be applied, one moiety to the informer, and the other to Greenwich Hoſ-

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33 Geo. 3. c. 66. pital. And all penalties may be ſued for in the name of the commiſſioners.

The clauſes relative to the duty of agents in tranſmitting accounts of prizes taken abroad to Greenwich Hoſpital; penalties on neglecting to deliver theſe accounts; delivering falſe accounts, &c.; will be found detailed more at large under the head PRIZES, in the act 33 Geo. 3. c. 66. which has reduced all the former laws and regulations reſpecting prizes to a complete ſyſtem, eaſy to be underſtood, and as eaſily to be applied.

37 Geo. 3 c. 105. f. 12. Shares of prizes taken during the hoſtilities mentioned by 19 Geo. 3. c. 67. 20 Geo. 3. c. 33. and 21 Geo. 3. c. 15. jointly by ſea and land forces, belonging to ſailors who have run, and ſhares not demanded within three years from notification of diſtribution, to be paid for the uſe of Greenwich Hoſpital *.

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THE following, as not unconnected with the preſent head, is ſubjoined, as it may convey information to the parties concerned, and there is no other ſubſequent head of this work where it could with ſo much propriety be noticed.

## GRATUITIES

*To the Relations of Officers and others ſlain in Fight.*

*To a* WIDOW, a full year's pay, according to the poſt her huſband ſerved in at his death.

* See PRIZES, SEAMEN, &c.

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ORPHANS, each the one-third proportion of a widow; and poſthumous children are eſteemed orphans.

Orphans married are not entitled to the bounty.

If there be no widow, a mother (if a widow and above fifty years of age) is entitled to a widow's ſhare.

The relations of officers of fire-ſhips are entitled to the ſame bounty as thoſe officers of like in fourth rates.

Captains are to ſet down the names of the ſlain at the end of the muſter-books, and on what occaſion.

This bounty extends unto thoſe who are ſlain in tenders, in boats, or on ſhore, as well as to thoſe on board the ſhips; alſo to thoſe who are ſlain in fight with pirates, or in any encounter with the ſhips of friends by miſtake; alſo thoſe who die of their wounds after battle; are all eſteemed as perſons ſlain.

*To Officers wounded in fight with the Enemy, and to Officers hurt in the Service.*

If an officer receives a wound that ſhall occaſion the loſs of an eye or a limb, or the total loſs of the uſe of a limb, or that (upon certificate from the Surgeon's Company in London) ſhall in effect be of equal prejudice to the habit of the body with the loſs of a limb, he ſhall receive one full year's pay, and ſhall be allowed ſuch expences relating the cure (if not performed at his majeſty's expence) as ſhall be certified reaſonable by the ſaid Company; he ſhall alſo continue in pay during the time of his cure.

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With reſpect to the year's gratuity, ſhips under the third rate are to be eſteemed as ſuch.

Volunteers are alſo entitled to the ſame bounty as lieutenants.

If the wounds received do not amount to the loſs of a limb, equal prejudice to the body, the charges of cure are only allowed, and the continuance of pay as aforeſaid.

Under the term wounded in fight is comprehended all the ſeveral caſes relating to thoſe ſlain in fight; and thoſe ſo wounded are paid the gratuity, &c. on application to the Navy Board.

Inferior officers or ſeamen hurt, maimed, or diſabled in the ſervice by certificate ſigned by the captain, lieutenant, maſter, ſurgeon, and one or more warrant officers of the ſhip, expreſſing the nature of the hurt, &c. are entitled to the benefit of the cheſt at Chatham, according to the rules and conſtitutions thereof.

*Of Penſions to ſuperannuated Officers.*

Boatſwains, gunners, carpenters, purſers, and cooks (whoſe employments are conſtant), muſt ſerve full fifteen years; maſters and ſurgeons (whoſe employments are conſtant) eight years in their reſpective offices, before they are entitled to ſuperannuation.

Officers applying for ſuperannuation are to be examined by the phyſicians of the ſick and wounded (or in default of that commiſſion by the phyſician of Greenwich Hoſpital), in conjunction with the Surgeon's Company, who are to report their opinion (in writing) of their incapacity to ſerve his majeſty.

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Officers whoſe employments are conſtant, being admitted to ſuperannuation, receive an annual penſion equal to their pay in the ſhip of the higheſt rate they have ſerved in.

The penſions of maſters are equal to half their pay, and ſurgeons are allowed the ſame penſions as maſters of equal rates.

Commiſſion officers worn out and diſabled in the ſervice are conſidered as their caſes may deſerve, and as his majeſty may think fit.



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## Gunpowder, Combuſtibles, &c.

THE following acts relative to gunpowder and other combuſtible matters are regulations of neceſſary precaution, and were paſſed in conſequence of accidents which had previouſly happened to prevent further conflagrations in a river ſo crowded with ſhipping that it is impoſſible to calculate, in caſe of accident, the extent of the miſchief which might be occaſioned, not only to the ſhipping, but the city.

Ships in the Thames not to take in gunpowder. 5 Geo. 2. c. 20. ſ. 2.

Ships in the Thames are not to take in gunpowder (except for his majeſty's ſervice) above Blackwall, on penalty of 5l. for every fifty pound weight.

Sect. 4.

Ships coming into the Thames to land their gunpowder below Blackwall, on penalty of 5l. for every fifty pound weight.

Ships guns, &c. not to be fired before ſun-riſe, or after ſun-ſet, above Blackwall. Sect. 4.

No ſhips guns (except king's ſhips) to be kept ſhotted, or fired before ſun-riſing or after ſun-ſet, above Blackwall, on penalty of 5s. for every gun kept ſhotted, and 10s. for every gun ſo fired.

Pitch, tar, &c. not to be melted.

No pitch, or tar, or other combuſtible matter, to be melted on board ſhips above Blackwall, on penalty of 5l.

Elder brothers of the Trinity Houſe may inſpect ſhips. Sect. 5.

Trinity Houſe may authorize any elder brother to inſpect any ſhips, except king's ſhips, on penalty of 5l. refuſing them admittance.

Penalty of 20s. a-day upon maſters of ſhips mooring at St. Saviour's Dock. Sect. 10.

Penalty of 20s. a-day to be incurred by maſters of ſhips mooring at St. Saviour's Dock, except to load or unload, and except two ſhips lying at ſhipwright yard to repair.

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By an act to regulate the making, keeping, and carriage of gunpowder, within Great Britain,

No maſter or commander of any ſhip lying in the Thames, and outward-bound, ſhall receive, or permit to be received on board, more than twenty-five pounds of gunpowder (except for the king's ſervice) before the ſhip's arrival at or below Blackwall; and on coming into the River Thames ſhall put on ſhore, in proper places, all the gunpowder on board above the quantity of twenty-five pounds, either before the arrival of the ſhip at Blackwall, or within twenty-four hours (if the weather ſhall permit) after coming to an anchor there, on pain of forfeiting, in any of the above caſes, all the gunpowder found on board above the weight of twenty-five pounds, and the barrels containing the ſame, and alſo two ſhillings for every pound above the former quantity.

Maſters of any ſhip lying in the Thames not to receive on board more than twenty-five pounds of gunpowder before the ſhip's arrival at Blackwall. 12 Geo. 3. c. 6.

The maſters, wardens, and aſſiſtants, of Trinity Houſe, of Deptford Strond, are required to appoint one or more perſon or perſons to ſearch for unlawful quantities of gunpowder in ſhips or other veſſels in the River Thames.



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## Harbours.

IN conſequence of nuiſances and obſtructions to navigation occaſioned by maſters and owners of veſſels entering ports, roads, channels, or navigable rivers, and throwing out and unlading their ballaſt on the ſhore, on the ſide, or below the uſual full ſea mark; a more ſpeedy remedy was required than that uſually applied by common law for bringing ſuch offenders to juſtice. Accordingly an act was paſſed, intituled,

19 Geo. 2. c 22. "An Act for the better Preſervation of "Havens, Roads, Channels, and navigable "Rivers, within that Part of Great Britain "called England."

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Maſters of ſhips throwing out ballaſt, &c. in harbours, &c. but upon dry land only, juſtices may iſſue warrants, and fine not more than 5l. nor leſs than 5os. Sect. 1.

Maſters of ſhips throwing out any ballaſt, rubbiſh, gravel, earth, ſtone, wreck, or filth, but upon dry land only, where the tide or river never flows or runs, may be apprehended upon warrant from any juſtice near the place where the offence ſhall have been committed, who, upon the offence being proved by one or more credible witneſſes, may fine ſuch offender any ſum not exceeding 5l. nor under 5os.; one moiety to the informer, and the other moiety to the poor of the pariſh.

Penalties, how recoverable.

The penalties inflicted by this act ſhall be recoverable and levied by diſtreſs and ſale either of the goods and chattels of the perſons convicted, or of the ſhip, pink, crayer, lighter, keel, boat, or other veſſel, or of their tackle, apparel, or furniture; and for want of ſufficient diſtreſs, the parties may be committed to the

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county gaol, or the houſe of correction, of the county where ſuch offenders are convicted, for the ſpace of two months, or until payment of the penalties and forfeitures by the act incurred. 19 Geo. 2. c. 22.

Ships being ſtranded or ſunk in harbours, and ſuffered to remain there, a juſtice of peace may ſummon the owner, or commander, or iſſue out his warrant for having them apprehended and brought before him; and being found guilty of the offence, upon examination, the juſtice ſhall iſſue his warrant for ſeizing and removing ſuch ſhip, with the rigging and tackle: and unleſs the owner give ſufficient ſecurity, within five days, to clear the harbour of ſuch veſſel and wreck, or parts belonging to the ſame, and pay the charges of ſeizing, removing, and diſpoſing of ſuch ſhip, tackle, or furniture; then he may cauſe the ſame to be ſold, and out of the money ariſing by ſuch ſale, pay all the charges and expences; and ſhould there be any overplus, he is to pay it to the owners of the manor where the ſame ſhall happen. Ships ſunk and ſtranded in an harbour, and permitted to remain there, juſtices to ſummon the owner, and upon conviction to iſſue warrants for removing the ſhip and tackle; and unleſs the owner give ſecurity in five days, to make ſale. Sect. 3.

Juſtices may put this act in execution againſt any perſon within their ſeveral juriſdictions, although ſuch juſtice may be rated or aſſeſſed, or actually pay for the relief of the poor of any pariſh town in which any conviction in purſuance of this act ſhall be pronounced. Juſtices to act in their own pariſh, &c. Sect. 4.

All convictions pronounced by authority of this act ſhall be final. Convictions to be final. Sect. 5.

Diſtreſs not to be ſold till after five days; perſons convicted may, before the expiration of the time, redeem ſuch diſtreſs. Diſtreſs not be ſold till after five days. Sect. 6.



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Limitation of the powers of this act. 19 Geo. 2. c. 22 ſ. 7.

This act not to extend to take away any rights of lords of manors, or other perſons, to the banks, ſhores, or ſides, of any harbour, nor extend to the unloading any veſſel with bricks, ſtone, lime, or other materials uſed in building or repairing any wharf, bridge, or banks of any harbour, but on the contrary to prevent miſchief being done to ſuch harbours which may any ways tend to obſtruct the navigation.

This act not to abridge any juriſdiction or remedy to puniſh any nuiſances committed in any navigable river Sect. 8.

Nothing herein contained ſhall extend to take away, abridge, diminiſh, or limit any former or other juriſdiction, or right or remedy, to puniſh any nuiſance to be done or committed in any haven, port, road, channel, or navigable river.

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## OBSERVATIONS *relative to* SHIPS *paſſing the* LIGHTS.

SHIPS ſhould be careful to note *when* and *where* they make the land, in order to aſcertain what *lights* have been paſſed, and to give an account of the courſe of the voyage both out and in.

The queſtion being agitated in the court of king's bench, in the year 1790, how far Britiſh-built ſhips, the property of Britiſh ſubjects, are liable to the payment of the ſeveral light-houſe duties, from foreign port to foreign port, not having touched at any place in Great Britain, it was determined that ſuch ſhips were *not liable*. 3 Term Rep. 768.

No lights are paid by men of war.

The lights to be paid on the reſpective voyages will appear in the ſubjoined table.

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LIGHTS *to be paid by* SHIPS *bound to the ſeveral* PORTS *under-mentioned.*

| *Ships whither bound.* | *Lights to be paid.* |
|---|---|
| Theſe duties are payable for each voyage OUT and IN, and a ſingle paſſage ſubjects the maſter to the payment of all the duties | Eddyſtone.<br>Portland.<br>Caſkets.<br>Lizard.<br>Scilly.<br>Milford.<br>Dudgeon Shoal or Well.<br>Foulneſs.<br>Winterton Small.<br>Caſtor.<br>Loweſtoffe.<br>Buoyage and Beaconage.<br>St. Nicholas Gatt *. |
| Amſterdam<br>Bremen<br>Embden<br>Hamburgh | Harwich.<br>Orford.<br>St. Nicholas Gatt. |
| Rotterdam | Harwich.<br>Orford. |
| Norway<br>Dantzic<br>Peterſburg<br>Gottenburg | Orford.<br>Winterton.<br>Harwich.<br>Well.<br>Foulneſs.<br>St. Nicholas Gatt. |
| Greenland | Spurn.<br>Tinmouth. |

* All ſhips are to be rated Britiſh and foreign, according to their full burthen, and the maſters thereof to pay for every time they paſs by theſe lights, whether laden or empty.



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| *Ships whither bound.* | *Lights to be paid.* |
|---|---|
| Calais, Dunkirk, Middleburg, Oſtend | Foreland. |
| Caen, Dieppe, Rouen, St. Valery and Normandy (any part of it), Havre de Grace | Dungeneſs and Foreland. |
| Guernſey, Jerſey, Alderney | Caſket. Dungeneſs. Foreland. |
| Belfaſt, Carlingford, Colerain, Drogheda, Dublin, Larone, Londonderry, Newry | Milford. Skerries. |
| Zealand | Foreland. |

Ships bound to Oſtend and Dunkirk do not pay Ramſgate Harbour.

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## Hovering.

" A NUMBER of ſhips of the burthen of fifty tons and " under, laden with coffee, tea, cocoa nuts, French " wrought ſilks, prohibited Eaſt India goods, pepper and " other ſpices, brandy, ſpirits, and other cuſtomable and " prohibited goods, pretending to be bound for foreign " parts, frequently lying and HOVERING on the coaſts of " this kingdom, with intent to run the ſame privately on " ſhore, to the great diminution and loſs of the revenue, " and ruin of the fair trader; and by reaſon of the ſaid " veſſels ſo hovering, frequent opportunities were found " for carrying on the clandeſtine trade of exporting wool, " and other ſtaple commodities prohibited to be tranſ- " ported :" for the better preventing theſe abuſes, it was declared and enacted as follows :

Ships of fifty tons, laden with cuſtomable or prohibited goods, hovering on the coaſts of this kingdom, within the limits of any port (and not proceeding for foreign parts) may be entered by officers of the cuſtoms, who are to take an account of the lading, and to demand and take a ſecurity from the maſter, by his bond to his majeſty, in ſuch ſum of money as ſhall be treble the value of ſuch foreign goods then on board, that ſuch ſhip ſhall proceed (as ſoon as wind and weather and the condition of the ſhip will permit) on her voyage to foreign parts, and ſhall land the goods in ſome foreign port; the maſter refuſing to enter into ſuch bond on demand, or having given bond, ſhall not proceed on ſuch voyage (unleſs otherwiſe ſuffered to make a longer ſtay by the collector, or other principal officer of ſuch port where the veſſel

Ships of fifty tons or under hovering on the coaſts, officers may enter and take account of the lading, and demand ſecurity.
5 Geo. 1. c. 11. ſ. 8.

Extended to the coaſts of all the king's dominions.
3 Geo. 3. c. 21. ſ. 9.

Maſters, &c. refuſing to enter into bond, or not proceeding on his voyage, the foreign goods may be taken out, and ſecured, and cuſtom paid.

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5 Geo. 1. c. 11. shall be, not exceeding twenty days), then, in either of the said cases, all the foreign goods on board may be taken out by any custom-house officers, by direction of the collector, and properly secured; and if they are customable, the duties shall be paid; and if prohibited, they shall be forfeited. The officers of the customs may prosecute the same, as also the ship, if liable to condemnation.

6 Geo. 1. c. 21. s. 31. Commanders of men of war, and custom-house officers, may compel ships of fifty tons, or under, hovering within two leagues of the shore, to come into port.

Rule to measure the tonnage of ships. 6 Geo. 1. c. 21. s. 33. To prevent disputes that may arise concerning the admeasurement of ships laden with brandy, or other spirits or ships hovering on the coast, the following rule shall be observed: Take the length of the keel, and the breadth within board by the midship beam, from plank to plank, and half the breadth for the depth; then multiply the length by the breadth, and the product by the depth, and divide the whole by ninety-four, the quotient will give the tonnage; according to which rule all such ships or vessels shall be measured.

Ships of fifty tons hovering on the coasts of Ireland, officers may enter and take an account of lading. Sect. 62. Officers of the customs in Ireland may enter ships of fifty tons or under, hovering on the coast of Ireland, and take security from the master to proceed regularly on his voyage, and land customable or prohibited goods at a foreign port. Master refusing to give bond, or not departing in twenty days, the goods may be secured.

3 Geo. 3. c. 22. s. 9. Regulations of hovering ships extended to the coasts of all the British dominions.

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Ships under fifty tons from abroad, hovering on the coaſt, and having twenty pounds of coffee, or goods liable to forfeiture, ſhall be ſeized and confiſcated. 5 Geo. 3. c. 43. ſ. 38.

If any ſhip or veſſel ſhall be found at anchor, or hovering within four leagues of the coaſts (unleſs by diſtreſs of weather), having on board foreign ſpirits, in any veſſel or caſk which ſhall not contain ſixty gallons at leaſt, or having on board any wine in caſks (provided ſuch veſſel, having wine on board, ſhall not exceed ſixty tons burthen), or ſix pounds weight of tea, or twenty pounds weight of coffee, or any goods whatever liable to forfeiture upon importation, then ſuch goods, with the ſhip and furniture, ſhall be forfeited—ſpirits for the uſe of ſeamen, not exceeding two gallons per man, excepted. Ships at anchor, or hovering within four leagues of the coaſt, having goods liable to forfeiture upon importation, ſhall be forfeited. 24 Geo. 3. c. 47. ſ. 1.

On proof given that ſuch ſmall quantities were on board without the privity of the owner or maſter, ſuch veſſel ſhall not be forfeited, if more than one hundred tons burthen. Such veſſel, if more than one hundred tons burthen, if ſuch goods were without the privity of the maſters, not to be forfeited.—24 Geo. 3. c. 4. ſ. 2.

Such goods to be forfeited, and treble their value recovered of the perſon in whoſe poſſeſſion they were found. Sect. 3.

All veſſels of the following deſcription, belonging, in the whole or part, to Britiſh ſubjects, found within the limits mentioned in the firſt ſection, together with the goods laden on board, furniture, &c. ſhall be forfeited, viz. cutters, luggers, ſhallops, or wherries (of what build ſoever), and all veſſels, of any other deſcription, whoſe bottoms are clench work (unleſs ſquare rigged, or fitted as ſloops with ſtanding bowſprits), and all veſſels the length of which is greater than in the proportion of three What deſcription of veſſels ſhall be forfeited under this act. 24 Geo. 3. c. 47. ſ. 4.



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24 Geo. 3. c. 47. feet and a half to one foot in breadth, and likewiſe all veſſels armed for reſiſtance.

Sect. 5. Two carriage guns, of the calibre not exceeding four pounds, and two muſquets to every ten men, are allowed to all veſſels.

Sect. 6. No veſſel arriving from Ruſſia, before the firſt of December 1784, ſhall be forfeited on account of her built, or having on board arms or ammunition.

What ſhips ſhall not be forfeited on account of their built, &c. Sect. 7. No veſſel, from any port of America, or from the Eaſt and Weſt Indies, Africa, or the Mediterranean, ſhall be forfeited for her built, for having ſpirits, tea, or coffee, on board, or for being armed. Veſſels in his majeſty's navy, victualling, ordnance, cuſtoms, exciſe, or poſt office, ſhall not be forfeited for their built, or for being armed. Such veſſels as are licenſed ſhall not be forfeited for their built, or for being armed agreeable to ſuch licenſe. Lighters and barges, uſed ſolely in rivers, ſhall not be forfeited. Ships or veſſels, with arms and ammunition regularly entered, and cleared, at any cuſtom-houſe in his majeſty's dominions, as merchandize, or for the uſe of Britiſh garriſons, or for the neceſſary defence of ſuch ſhip, by licenſe, ſhall not be forfeited on account of ſuch arms and ammunition.

Sect. 8. No fee is to be taken for any licenſe granted or regiſtered in purſuance of this act.

Sect. 9. Owners of veſſels licenſed are to produce their licenſes to the proper officer, at the port of exportation, before ſailing; and likewiſe to produce the ſame to the proper officer at the port of arrival.

What the licence is to ſpecify. Sect. 10. Every licenſe to veſſels is to ſpecify the tonnage of each veſſel, and deſcribe whether ſhe is

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a cutter, lugger, ſhallop, or wherry; of what built ſhe is; who are the owners thereof; for what place ſhe is about to ſail; the quantity and number, and the ſort of arms and ammunition ſhe is licenſed to have on board. The owners are likewiſe to give ſecurity in double the value of ſuch veſſel, to the ſatisfaction of the collector, comptroller, or proper officer of the cuſtoms, that ſhe ſhall not be employed in the importation or landing of tea, or any foreign ſpirits, or any prohibited goods. 24 Geo. 3. c. 47.

Any perſon maliciouſly ſhooting at any ſhip, veſſel, or boat, belonging to his majeſty's navy, or in the ſervice of the cuſtoms or exciſe, within the limits of any port of Great Britain, or within four leagues from any part of the coaſt thereof, or ſhall ſhoot at, or dangerouſly wound, any officer of the navy, cuſtoms, or exciſe, or any of their aſſiſtants, acting in the execution of their duty, or within the limits of any port, or within four leagues of any part of the coaſt of Great Britain, he ſhall ſuffer death as a felon. Perſon maliciouſly ſhooting at any boat belonging to the navy, cuſtom-houſe officer, &c. to ſuffer death as a felon. Sect. 11.

Any perſon charged with any offence made felony by this act, and who does not ſurrender himſelf, after proclamation made for that purpoſe, ſhall be deemed a felon. Perſons not ſurrendering, &c. Sect. 12.

Any perſon harbouring offenders after the time appointed for their ſurrender, and being proſecuted within a year after, ſhall, on conviction, be guilty of felony, and be tranſported for ſeven years. Perſons harbouring, &c. Sect. 13.

Nothing contained in this act ſhall be conſtrued to prevent the apprehenſion of ſuch offenders by the ordinary courſe of law. Sect. 14.

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Punishment of persons assaulting custom-house officers in the execution of their duty. 24 Geo. 3 c. 47. s. 15.

Any person opposing, obstructing, or assaulting, officers of his majesty's navy, or in the service of the customs or excise, in the execution of their duty, may be carried before a justice, who may commit such person or persons for trial, and, upon conviction, he or they shall be sentenced to hard labour on the River Thames, or to the house of correction, for a term not exceeding three years.

Sect. 16. By the sixteenth section, the justice may either commit such offenders upon this present act, or upon that of the 19 Geo. 3. c. 69. if their offences fall within the latter.

Sect. 17. All offences against this act may be tried in any county in England or Wales, in such manner as if the fact had been actually committed within such county.

Sect. 18. Offences committed in Scotland, or within the limits of any port therein, or within four leagues of the coasts thereof, are to be tried in Scotland.

Sect. 19. Offenders carried before a justice are not to be admitted to bail, without entering into a recognizance for their appearance, themselves in 200l. and two sureties in 100l. each.

Sect. 20. This section regards in like manner persons taken before a justice for misdemeanor against the act in Scotland.

Officers of the customs to make provisions for the widows of seamen and their families.

If any officer or seaman shall be killed, maimed, or wounded, in the due execution of his duty, it shall be lawful for the commissioners of customs and excise respectively to make such provision for them, or for their widows and families, as the lords of the treasury shall, by their warrant, empower them to do.

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The commiſſioners of the cuſtoms in England and Scotland are empowered to reward officers, &c. who ſhall take offenders againſt this act. 24 Geo. 3. c. 47. ſ. 22.

If ſuſpected veſſels ſhall not bring to when chaſed by any cutter, or other veſſel, in the ſervice of his majeſty's navy, having the proper pendant and enſign of his majeſty's ſhips hoiſted, or being in the ſervice of the cuſtoms or exciſe, and having their pendant or enſign hoiſted, with ſuch marks thereon as are uſual, in a blue field, the commander may ſhoot into them; and, if he be proſecuted in conſequence thereof, he and his aiders ſhall be admitted to bail. Ships not bringing to may be fired into. Sect. 23.

Veſſels not in the ſervice of the navy, cuſtoms, or exciſe, hoiſting ſuch pendant, ſhall forfeit a penalty of 500l. Sect. 24.

This ſection extends the penalties and reſtrictions relative to certain deſcription of boats contained in the act of the 8 Geo. 1. c. 18. and in 19 Geo. 3. c. 69. viz. to all boats, wherries, pinnaces, barges, galleys, and other veſſels, which exceed twenty-eight feet in length from the fore part of the ſtem to the after ſide of the ſtern-poſt aloft, and the length of which ſhall be greater than in the proportion of three feet and a half to one foot in breadth; ſubject nevertheleſs to the proviſoes and exceptions in the ſaid acts. Penalties of 8 Geo. 1. c. 18. and 19 Geo. 3. c. 69. extended to other veſſels. Sect. 25.

Veſſels in ballaſt, arriving at, or going out from, any port in this kingdom, the maſters ſhall, if called upon make a true report of their ſhip or veſſel, and anſwer queſtions that the proper officers may put relative to the voyage, on penalty of 100l. No additional fees for ſuch report to be paid by the maſter. Penalty of refuſing to anſwer queſtions, &c. Sect. 26.

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24 Geo. 3. c. 47. § 27. Wine imported in any veſſel or boat not exceeding ſixty tons burthen, ſhall, together with the veſſel and its furniture, &c. be forfeited.

Goods found on board not reported to be forfeited. Sect. 28. Maſters of ſhips or veſſels reporting any goods, *contents unknown*, for exportation, in the ſame ſhip or veſſel, ſuch packages, &c. may be examined by the officers; and if any prohibited goods be found therein, they ſhall be forfeited; but, if not prohibited, then they are to be charged with the cuſtomary duties. And all goods found on board not reported ſhall be forfeited.

Sect. 29. Officers of the cuſtoms to have the like power of ſeizing tea and ſpirits removing without permits in like manner as the officers of exciſe.

Determination of two juſtices with reſpect to ſeizures final. Sect. 30. All ſeizures of horſes, carriages, &c. ſhall be heard and determined by two juſtices reſident near the place of ſeizure, and which determination ſhall be final.

Officers of the cuſtoms may ſell ſeizures in any place they think proper. Sect. 31. This ſection repeals that part of the act of the 21 Geo. 3. c. 55. which enacts, that all ſeizures ſhall be ſent to ſome warehouſe, either in London or Edinburgh reſpectively, in order to be there ſold; and makes it lawful for the commiſſioners of cuſtoms to ſell the ſame in ſuch places as they ſhall think proper.

Penalty of 500l. upon perſons making colluſive ſeizures. Sect. 32. Any officer of his majeſty's navy, cuſtoms, or exciſe, making any colluſive ſeizure, or agreeing not to ſeize any ſhip or goods, or taking any bribe, ſhall forfeit 500l. and be rendered incapable of ſerving his majeſty; and every perſon giving or offering ſuch bribe ſhall forfeit 500l.

Condemned veſſels may be purchaſed by the admiralty. Condemned veſſels that are fit for his majeſty's ſervice, may, inſtead of being broken

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up, be ſold to the officers appointed by the lords of the admiralty, or commiſſioners of the navy, for that purpoſe; one half of the produce of ſuch ſale to be paid into the exchequer for his majeſty, and the other half to the officer who proſecuted for the ſame. 24 Geo. 3. c. 47.

Sections thirty-five, thirty-ſix, thirty-ſeven, thirty-eight, thirty-nine, forty, forty-one, forty-two, &c. relate to regulations for preventing vexatious ſuits againſt officers making ſeizures, and the mode of proſecuting offenders againſt this act.

Veſſels carrying a bowſprit more than two-thirds of her length within four leagues of the coaſt ſhall be ſeized. 27 Geo. 3. c. 32. ſ. 1.

In caſe any cutter, lugger, ſhallop, wherry, ſloop, ſmack, or yaul, ſhall be found within the limits, or within four leagues of the coaſt, and carrying a bowſprit (whether ſtanding or running) which ſhall exceed in length more than two-thirds the length of ſuch cutter, &c. from the fore part of her ſtem to the aft ſide of the ſtern poſt aloft, every ſuch veſſel, with her furniture, &c. ſhall be ſeized.

Owners of veſſels to have their names painted upon boats, under pain of forfeiture of ſuch boat. Sect. 2.

The owner or maſter of every veſſel ſhall cauſe to be painted on the outſide of the ſtern of every boat, belonging to ſuch veſſel, her name, and the place to which ſhe belongs, and within ſide of the tranſom, the maſter's name, in white or yellow Roman letters, on a black ground, not leſs than two inches in length, under pain of forfeiture of ſuch boat.

Boats not belonging to any ſhip to have owner's name painted thereon, under pain of forfeiture. Sect. 3.

Boats not belonging to any ſhip are to have painted on the ſtern, in white or yellow Roman letters, of two inches in length, the owner's name, and the port or place to which ſhe belongs, under pain of forfeiting every ſuch boat found within the limits of the ports of Great Britain.



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What veſſels are exempt from this act. 27 Geo. 3. c. 32. ſ. 4.

This act, or anything therein contained, not to extend to the forfeiture of any cutter, lugger, ſhallop, wherry, ſloop, ſmack, or yaul, nor any veſſel or boat whatever, in the ſervice of the navy, victualling, ordnance, cuſtoms, exciſe, or poſt office; nor any having a licenſe from the admiralty; nor any lighters or barges uſed in rivers or inland navigation.

Boats found out of the limits of their navigation ſhall be ſeized. Sect. 5.

Any cutter, veſſel, boat, &c. having a licenſe from the admiralty limiting the navigation to, or from, or within any particular port or place, and being found in any other port out of the limits, ſhall be ſeized and forfeited.

Sect. 6.

In caſe it ſhall appear, that ſuch cutter, &c. was driven or forced without the limits of the licenſe, ſhe ſhall not be forfeited.

Maſters of veſſels to produce their licenſes. Sect. 7.

The maſter of every ſuch veſſel ſhall produce his licenſe, if required, to every officer of the cuſtoms or exciſe, with the indorſement thereon: on his failure thereof, or not having the ſame on board, ſhe may be ſeized.

Veſſels, boats ſeized, how to be diſpoſed of. Sect. 8.

All cutters, veſſels, boats, &c. ſeized in purſuance of this act, ſhall be diſpoſed of in ſuch manner, and under ſuch regulations and reſtrictions as directed by 24 Geo. 3. c. 4.

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## Imbezzling Stores.

BY the twenty-fourth article of war, "there ſhall be no "waſteful expence of any powder, ſhot, ammunition, or "other ſtores in the fleet, nor any imbezzlement thereof; "but the ſtores and proviſions ſhall be carefully preſerved, "upon pain of ſuch puniſhment, to be inflicted upon the "offenders, abettors, buyers, and receivers (being perſons "ſubject to naval diſcipline) as ſhall be, by a court mar-"tial, found juſt in that behalf."

But this puniſhment is confined to perſons ſubject to naval diſcipline.—By the thirty-firſt of Elizabeth, imbezzling ſtores to the amount of 20s. was made felony; but this act does not appear to have been adequate to the prevention of the evil. Accordingly, the Legiſlature had recourſe to a ſeverer puniſhment, and by the 22d Car. II. the benefit of clergy was expreſsly taken away.

The ſubſequent acts contain regulations for the more eaſy detection of offenders, by affixing a particular mark to all ſtores uſed for his majeſty's navy, and empower the commiſſioners of the navy to act as juſtices in cauſing offenders to be apprehended, committed, and proſecuted. —The principal officers alſo of his majeſty's navy, as well as the commiſſioners, may iſſue warrants for the apprehenſion of offenders. The commiſſioners of the navy have alſo power to ſearch ſhips ſuſpected of having prohibited naval ſtores, which, if diſcovered, the offenders may be "fined 200l. impriſoned, or puniſhed corporally, and "committed to ſome houſe of correction, or public "workhouſe, there to be kept to hard labour for three "months, or leſs time, at the diſcretion of the judge or "juſtices."



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Imbezzling to the amount of 20s. to be felony. 31 Eliz. c. 4. ſ. 1.

Perſons imbezzling ſtores, ammunition, or proviſions, committed to their charge, to the value of 20s. ſhall be judged guilty of felony.

Proſecutions to be commenced within one year. Sect. 2.

None ſhall be impeached for any offence againſt this ſtatute, unleſs the ſame impeachment be proſecuted or begun within the year next after the offence done.

Ibid.

Perſons impeached for any offence made felony by this act, may bring proof, by lawful witneſs or otherwiſe, for his diſcharge.

Benefit of clergy taken away from perſons convicted of imbezzling ſtores. 22 Car. 2. c. 5. ſ. 3.

If any perſon having the charge or cuſtody of any of the king's armour, ordnance, or habiliments of war, or of any victuals provided for victualling the army, or any other of his majeſty's naval ſtores, ſhall imbezzle the ſame to the value of 20s. he ſhall (on proſecution within a year) be adjudged guilty of felony without benefit of clergy.

Sect. 4.

Judges may reprieve ſuch offenders, and tranſport them for ſeven years.

No perſons but thoſe contracting for the navy to make naval ſtores of a particular deſcription, under penalty of 200l. 9 & 10 Will. 3. c. 41.

No perſons whatſoever (other than perſons authorized by contracting with the commiſſioners of the navy, ordnance, or victualling office, for his majeſty's uſe) ſhall make any ſtores of war, or naval ſtores, with the king's mark (that is to ſay), cordage of three inch and upwards, with a white thread laid the contrary way, or any ſmaller cordage with a twine in lieu of white thread, laid the contrary way, or any canvas wrought or unwrought, with a blue ſtreak in the middle, or any other ſtores with the broad arrow, by ſtamp, upon pain of forfeiting ſuch goods, and paying the penalty of *two hundred pounds*, together with coſts of ſuit.

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Penalty and punishment of persons having prohibited naval stores in their possession. 9 & 10 Will. 3. c. 41. s. 2.

Persons in whose custody, possession, or keeping, such goods or stores marked as aforesaid shall be found (not being employed as aforesaid), or concealing such goods or stores, shall forfeit such goods, and the sum of *two hundred pounds*, with costs, and shall suffer imprisonment until payment of the said forfeiture, unless they produce a certificate from the commissioners of the navy, ordnance, or victualling, expressing the numbers, quantities, and weight, and reason of such goods being in their hands.

Commissioners of the navy may sell such prohibited stores, giving the buyer a certificate of quantity, &c. Sect. 4.

Commissioners of the navy, ordnance, and victualling office, may sell any of the said stores so marked, giving the buyer a certificate, under their hand and seal, expressing the quantities of such stores, and the times when and where bought.

Sect. 5.

Persons sued for discovering and seizing such stores may plead the general issue, and give this act and the special matter in evidence.

Sect. 8.

King's stores may be lent to ships in distress, with a certificate, so they be restored with all possible conveniency.

Commissioners of the navy may enquire of the imbezzlement of stores, and punish offenders. 1 Geo. 1. st. 2. c. 25. s. 3.

The principal officers and commissioners of the navy may enquire of the imbezzlement of naval stores, and direct searches, and cause the goods to be brought back, and punish the offenders by fine and imprisonment, the value of the goods not exceeding 20s.

How offenders to be punished imbezzling stores under 20s. value. Sect. 4.

When goods imbezzled are under 20s. value, the treasurer, comptroller, surveyor, clerk of the acts, and commissioners of the navy, or any one of them, may convict the offender, and fine him not exceeding double the value of the goods; the fine to be levied by distress, and in



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1 Geo. 1. ſt. 2. c. 25. default, offender to be impriſoned, not exceeding three months.

Sect. 5. Every perſon who ſhall counterfeit the hand of any officer of the navy, whereby his majeſty's naval treaſure may be diſpoſed of, he may be bound over by the ſaid officers, or any of them, until he find ſurety to appear at the next aſſizes or quarter ſeſſions, to be there proceeded againſt according to law.

Puniſhment of higher offences. Sect. 39. For higher offences, may commit to the next gaol, or to the cuſtody of their meſſenger, till the offender enter into recognizance, with ſureties, to anſwer the matter in the exchequer.

Perſons authorized to ſeize naval ſtores. Sect. 5. The aforeſaid perſons, or any one of them, may, by warrant, authorize perſons to go on board ſhips at anchor, in the day-time, and not ready to ſail, to ſearch for and ſeize king's naval ſtores imbezzled.

Perſons counterfeiting the hands of officers to be committed, and find ſurety. Sect. 6. Perſons counterfeiting the hands of any vouching officers of the navy, or yards, or knowingly producing any ſuch counterfeit paper, to be committed, and find ſurety to appear at the next ſeſſion or aſſizes.

Sect. 10. Treaſurer, comptroller, ſurveyor, clerk of the acts, and commiſſioners of the navy, may execute their powers, as well within liberties as without.

Sect. 12. Powers given by this act to any officer or commiſſioner of the navy, may be exerciſed by the admiralty of Great Britain and Ireland.

Sect. 13. None to be puniſhed twice for the ſame offence.

Sect. 15. Convictions and judgments under this act final, and not ſubject to appeal or *certiorari*.

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Perſons having timber, thick ſtuff, or plank, marked with the broad arrow, or concealing it, to ſuffer as for other warlike ſtores. 9 Geo. 1. c. 8. ſ. 3.

Judge or juſtice may mitigate penalty, and commit till payment, or puniſh corporally, and determine diſputes between informers. Sect. 4, 5.

If any perſon ſhall, either in this realm, or in any place thereunto belonging, wilfully and maliciouſly ſet on fire, to burn or deſtroy, any of his majeſty's military, naval, or victualling ſtores, or any place where any ſuch ſtores ſhall be kept, he, and alſo his aiders and abettors, ſhall be guilty of felony without benefit of clergy; and ſuch offender may be tried either where the offence was committed, or in any county within this realm. Perſons burning or deſtroying ſtores to be judged guilty of felony. 12 Geo. 3. c. 24.

The treaſurer, comptroller, ſurveyor, clerk of the acts, or any commiſſioner of the navy, may act as juſtices, in cauſing the offenders to be apprehended, committed, and proſecuted for the ſame. Treaſurer, comptroller, or commiſſioner of the navy, may act as juſtices in cauſing offenders to be apprehended. 9 Geo. 3. c. 30. ſ. 5.

Offenders againſt 9 & 10 Will. 3. c. 41. or 9 Geo. 1. c. 8. (in having ſtores with the king's mark, &c.) may be tried by indictment at the aſſize or quarter ſeſſions, and may be fined not exceeding 200l. and the fine mitigated, and the offender impriſoned or puniſhed corporally, and committed to ſome houſe of correction or public workhouſe, there to be kept to hard labour for three months, or leſs time, at the diſcretion of the judge or juſtices. Offenders having ſtores with the king's mark, &c. in their poſſeſſion, may be fined 200l. puniſhed corporally, and committed to the houſe of correction. 17 Geo. 2. c. 40. ſ. 10.

And any of the principal officers or commiſſioners of the navy may iſſue warrants to ſearch for the ſame, and puniſh the offenders by fine not exceeding 20s. Commiſſioner of the navy may iſſue warrants to apprehend offenders. 25 Geo. 3. c. 56. ſ. 2.



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Penalty for uſing hemp from which the ſtaple part has been taken away.

No perſon, after the 25th of July 1785, ſhall uſe in the making *cables*, *hawſers*, or other ropes for the uſe of ſhipping, any hemp, from which the ſtaple part thereof ſhall have been taken away by the manufacturer, or knowingly ſell the ſame, on pain of forfeiting (if by the manufacturer thereof) ſuch cable, hawſer, or other rope, and treble the value thereof; and (if the vender, and not the manufacturer) he ſhall forfeit a ſum equal to treble the value thereof.

How cordage, the uſe whereof is not prohibited by this act, ſhall be diſtinguiſhed. 25 Geo. 3. c. 56. ſ. 3, 4.

And for the better diſtinguiſhing the quality of ſuch ropes, whenever the ſame ſhall be manufactured, the uſe whereof is not prohibited by this act, and the quality whereof ſhall be inferior to clean Peterſburgh hemp, the ſame ſhall be deemed *inferior cordage*, and the maker ſhall diſtinguiſh the ſame by running from end to end thereof, nine-tarred mark yarns, ſpun with horn, contrary to that of rope-yarn, and alſo one like tarred yarn, in every other rope, for the uſe of ſhipping; and ſhall write on a tally to be affixed thereon the word *ſtaple* or *inferior* (as the caſe ſhall be), and alſo his name, ſigned by himſelf or his attorney, together with the name of the place where manufactured; and in default thereof, every ſuch manufacturer ſhall forfeit 10s. for every hundred weight.

Ropemakers permitting their names to be uſed ſhall forfeit 20l. Sect. 5.

And if any ſuch ropemaker ſhall knowingly permit or ſuffer his name to be put as aforeſaid to any ſuch ropes, not being of his own manufacturing, ſhall forfeit 20s.

Sect. 6.

And if any perſon ſhall make any cables of old or worn ſtuff, which ſhall contain above ſeven inches in compaſs, he ſhall forfeit four times the value thereof.

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And when any ſhip belonging to any of his majeſty's ſubjects reſident in *Great Britain*, or in the Britiſh colonies, ſhall come into any port in this kingdom, the maſter, at the time of making his entry at the cuſtom-houſe, ſhall make entry, on oath, of all foreign-made cordage on board for which no duties have been paid (ſtanding and running rigging in uſe excepted), and before ſuch ſhip be cleared inwards, where any diſcharge ſhall be made of her lading, pay for ſuch foreign-made cordage the like duties as by the laws are charged upon foreign cordage imported into this kingdom, or in default herein ſuch foreign made cordage ſhall be forfeited to the maſter of ſuch ſhip, ſhall alſo forfeit 20s. for every hundred weight thereof. 25 Geo. 3. c. 56. ſ. 8. Sect. 9, 10.

But the ſame ſhall not extend to cordage brought from the *Eaſt Indies*, nor to the materials at preſent in the uſe of any ſhip built abroad before the paſſing of this act, the property of any *Britiſh* ſubject *.

* For further particulars relative to this head, ſee CORDAGE, CANVAS.

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## Importation and Exportation.

IN detailing the principal ſections of the Conſolidation Act, under the head CUSTOMS, certain rules annexed to the Book of Rates of the twelfth year of Charles the Second, and the eleventh year of George the Firſt, were re-enacted; theſe rules preſcribe the hours of attendance required of the officers of the cuſtoms, and the mode in which the buſineſs is tranſacted. They are conſequently intereſting to merchants, wharfingers, and officers of the cuſtoms, for whoſe inſtruction, although many particulars of information upon this ſubject are given under other heads, yet for greater perſpicuity ſome of the principal directions for importation and exportation are collected together, with the rules referred to, and re-enacted by the 27th Geo. III. and a liſt of ſuch goods as are prohibited to be imported or exported.—The details more at large will be found diſtributed under the heads CUSTOMS, NAVIGATION, and PLANTATIONS, &c.

Produce of Africa, America, or Aſia, to be imported in Britiſh ſhips legally navigated, or by ſhips and mariners of the country from whence imported.

Goods of the growth, production, or manufacture of Africa, America, or Aſia, can only be imported from thence into Great Britain, or from the parts where they are, uſually have been, or can only be, firſt ſhipped for tranſportation, in Britiſh-built ſhips, legally navigated, of which the maſter and three-fourths of the mariners, at the leaſt, are Britiſh ſubjects; or in ſhips of the built of the countries of which the goods are the growth, production, or manufacture, navigated by the maſter and three-fourths of the mariners, at the leaſt, ſubjects of the ſtates from which the ſame are imported.



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Goods to be imported from these quarters of the globe directly into Great Britain.

These goods can only be so imported from each of those quarters of the globe directly; the growth, production, or manufacture of Africa, cannot be imported from America, Asia, or Europe, and *vice versa*; nor can any growth or production of Africa, America, or Asia, manufactured in foreign parts, except in the country or place of which they are particularly specified, and those of the Spanish, or Portuguese dominions, or plantations, which may be imported from Spain, Portugal, the Western Islands called the Azores, Madeira, or the Canaries, respectively, in British ships, but the goods of the dominions or plantations of either of those two sovereigns, cannot be imported from any port or place belonging to any other sovereign.

Meaning of the term legally navigated.

By the expression *legally navigated*, whenever it occurs, it is to be understood, that British and British built ships must be navigated by a British master, and three-fourths of the mariners, at least, British subjects; and foreign-built ships must be of the built of the country of which the goods are the growth, &c. navigated by the master, and three-fourths of the mariners, at least, the subjects of that state whence the same are and can be imported, and so remaining during the whole voyage.

In case of death or accident, other mariners may be sent on board.

In case of death of the mariners, or by seamen quitting the ship in foreign parts, or by unavoidable necessity at sea, other mariners may be taken, to save the ship and cargo from being lost, upon proof being made of any of these circumstances occurring; the commissioners of the customs may dispense with the restrictions in the several acts of navigation.

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His majesty may, by proclamation, permit trading ships to be navigated by three-fourths foreign seamen. 13 Geo. 2. c. 3. s. 4.

In case it shall be found necessary to declare war against any foreign power, his majesty may, if he shall judge it requisite, by proclamation, permit trading ships and privateers to be navigated by three-fourths foreign seamen, one-fourth to be his majesty's native and naturalized subjects of Great Britain (sudden death, hazard, and casualties of war and the seas excepted).

No goods to be put on board ships of war.

Goods may not be put on board ships of war, except for the sole use of the ship; but after being put on board, to be subject to the same regulations as other merchandize in merchant ships.

European produce may be imported in British ships, or in ships of the built of any other country in Europe belonging to the sovereign of the state from whence imported. 27 Geo. 3. c. 19.

Goods of the growth, production, or manufacture of Europe, may be imported into Great Britain in British, or British-built ships, legally navigated, or in ships of the built of any country or place in Europe, belonging to the sovereign of the state in Europe, legally navigated, of which the goods are the growth, production, or manufacture respectively, of such ports where the said goods can only be, or are most usually first shipped for transportation.

Produce of Morocco may be imported from Gibraltar.

Goods of the growth of the dominions of the Emperor of Morocco, not lying to the south of Mogadore, may be imported from Gibraltar as from the place of the growth, &c. in British or British-built vessels, legally navigated, or in ships belonging to the empire of Morocco *.

* The empire of Morocco comprehends the kingdoms of Morocco, Fez, Tafelet, Suez, and the province of Dara. Mogadore is a port of the kingdom of Morocco towards the Atlantic Ocean, lying south from, and the nearest place of trade to Cape Cantin. Suez and Dara lie to the south of Mogadore. So that this description of the dominions of the Emperor not lying to the south of Mogadore, includes part of Morocco. Fez, and Tafelet. Santa Cruz is a port of Morocco to the south of Mogadore. Algiers, Tunis, and Tripoli, are individual States of Barbary, said to be under the protection of the Grand Seignior, and lie to the north east of Mogadore.

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Any ſort of unmanufactured wood, being the growth and product of America (except maſts, yards, and bowſprits), may be imported into Great Britain directly, from any part of America, in Britiſh veſſels navigated according to law, free of duty, if a due entry be made thereof, expreſſing the quantity and quality, and being landed in the preſence of the proper officer, otherwiſe to be liable to duty.

Unmanufactured wood the produce of America may be imported directly free of duty. 11 Geo. 3. c. 41. ſ. 1 and 2.

Any goods of the growth, produce, or manufacture, of Jerſey, Guernſey, Sark, and Alderney, may be imported by the inhabitants of the ſaid iſlands into Great Britain free of duty, upon the oath of the growth, &c. before the magiſtrate of the ſaid iſlands reſpectively, and certificates from the governors, lieutenant-governors, or deputy-governors, or commanders in chief; but ſalt imported from any of thoſe iſlands is ſubject to the ſame duty as any foreign ſalt imported.

Produce of Guernſey, Jerſey, &c. may be imported by the inhabitants of theſe places duty free. 3 Geo. 3. c. 3. ſ. 5.

5 Geo. 1. c. 18.

Coarſe printed callicoes, and other prohibited Eaſt India pieces, arrangoes, cowries, and tea, may, by licenſe from the lords of the treaſury, be imported for the African trade, &c. when the Eaſt India Company have not ſufficient quantity of any of thoſe ſorts of goods to ſupply the demand.

Prohibited Eaſt India goods may be imported for the African trade, Eaſt India Company not having a ſufficient quantity to ſupply the demand.

Cotton wool of any ſort may be imported from any port or place whatſoever in Britiſh-built ſhips, legally navigated, free of duty, being legally imported in any other ſhip, is ſubject to a duty of 1d. per pound weight.

Cotton wool may be imported in Britiſh ſhips free of duty.

Britiſh-built includes ſhips built in Great Britain, Ireland, and the Britiſh plantations, or prize ſhips legally condemned, each deſcription wholly owned by Britiſh ſubjects, navigated and regiſtered according to law.

Meaning of the term Britiſh-built.

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Iriſh ſhips are entitled to the ſame privileges and advantages as Britiſh ſhips under the ſame regulations.

Timber, maſts, &c. the produce of Europe may be imported in Britiſh ſhips, or in ſhips belonging to the country where ſuch articles were produced.

Timber of any ſort, maſts, boards, ſalt, pitch, tar, roſin, hemp, flax, raiſins, figs, prunes, olive oil, grain, ſugar, pot-aſhes, wine, vinegar, ſpirits called aqua-vitæ or brandy-wine, the growth, production, or manufacture of Europe, may now be imported from any port in Europe, in Britiſh or Britiſh-built ſhips, or in the ſhips the built of any country or place in Europe, belonging to, or under the ſame ſovereign or ſtate in Europe, as the country of which ſaid goods are the growth, production, or manufacture, or from ſuch ports where the ſame can only be, or are moſt uſually, firſt ſhipped for tranſportation.

Produce of the Straits, Levant, and Eaſt India goods, may be imported from the uſual places of lading in Britiſh ſhips.

Goods of the Straits, Levant Seas, and Eaſt India goods, may be imported from the uſual places of lading, in Britiſh ſhips, except raw ſilk, and mohair yarn, which can be brought only from the dominions of the Grand Seignior, or from Malta, Ancona, Venice, Meſſina, Genoa, Leghorn, and Marſeilles, if landed at either of theſe places, for the purpoſe of opening and airing only, and re-ſhipped on board the ſame ſhip from which they were landed.

Spices may be imported from European ports.

Cinnamon, cloves, nutmegs, and mace, may, by licenſe of the commiſſioners of the cuſtoms, be imported from ports of Europe; the cinnamon in bales containing ſeventy pounds each; the cloves, nutmegs, and mace, in caſks containing three hundred pounds each.

Oil of cinnamon, oil of cloves, oil of mace, and oil of nutmegs, may be imported from places not of their growth.

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Perſian goods may be brought from Ruſſia by the Ruſſian Company.

Indigo and cochineal may be imported into Great Britain from any port or place whatever, in Britiſh ſhips, or in ſhips belonging to any kingdom or ſtate in amity with Great Britain.

Indigo and cochineal may be imported in Britiſh ſhips from any port.

Bullion, gold, ſilver, or jewels, may be imported from any place, in any ſhips.

Lobſters and turbots may be imported freely by any perſon whatever, in any ſhips whatever.

Gum ſenega may be imported by Britiſh ſubjects in Britiſh-built ſhips, upon payment of the duty.

No currants, nor goods of the Turkiſh or Ottoman dominions, can be imported into Great Britain or Ireland, except in Britiſh-built ſhips, or in ſhips of the built of the country of which they are the growth, production, or manufacture, or of the port whence the ſame can only be, or are moſt uſually, ſhipped.

Produce of the Turkiſh dominions to be imported in Britiſh ſhips.

Goods of Muſcovy, Ruſſia, or the dominions of the ſovereigns thereof, are not to be imported, except in Britiſh or Iriſh ſhips, or in ſhips of the ſame country with the goods.

Ruſſian goods to be imported in Britiſh ſhips, or ſhips of that country.

Goods may not be imported or exported in the packet boats, except by permiſſion of the commiſſioners of the cuſtoms.

No goods to be imported or exported in packet boats, except by permiſſion.

Tobacco can only be imported into Great Britain from the Britiſh plantations, colonies, iſlands, or territories in America, from ſome port or place within the United States of America, from the plantations or dominions of Spain or Portugal, or from Ireland, and under the rules, regulations, reſtrictions, and proviſions of the ſeveral acts of parliament, in, for,

Tobacco only to be imported from America, &c. under the regulations of the ſeveral acts prior and ſubſequent to October 10, 1789.

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at, and prior to the tenth of October 1789, and from and after the tenth of October 1789.

Goods wrecked exc pted from thefe reſtrictions.

Goods wrecked, or in danger of being wrecked, are excepted from all the reſtrictions of importation and exportation.

Mode in which entries are to be made. Merchants to declare of what country the goods entered are the produce.

All goods and merchandize imported pay duties by gauge, meaſure, tale, or weight, the quantities being aſcertained by the proper officers at the water-ſide; and as the exact quantity of any goods liable to the duty, by the gauge, meaſure, or weight, cannot be accurately aſcertained before they are landed, it is uniformly the practice to make a fair entry of a quantity ſhort of the whole eſtimated to be imported, upon which the duty is received, and after the goods have been examined, and the whole quantity charged by the officers, the duties are to be paid upon the remaining quantity: theſe two acts of the merchant produce from the collector, comptroller, and examiner, certificates of the payment of thoſe duties, which authorize the examining officers to deliver the goods to the merchant, and are called *prime entries* and *poſt entries*. All goods or merchandize which pay duty by tale, the merchant is ſuppoſed to know the exact quantity of, therefore no ſecond or *poſt entry* is permitted for any ſuch goods after they have been unſhipped with intent to land; and if, by examination, the quantity is found to be greater than the duties have been paid for, before they were unſhipped, the ſurplus is by law, and long-eſtabliſhed cuſtom, forfeited. But the commiſſioners of the cuſtoms and exciſe have a power to relieve, in all caſes where it ſhall be made appear to their ſatisfaction that there was not any intention of fraud. In thoſe inſtances, where the

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merchant is doubtful of the quality or quantity of the goods, which frequently occurs, the law has permitted him to take out *a bill of view*, or *sight*, and the officers then ascertain the quantity of the different sorts of goods, which they make a return of to the collector upon the bill of sight, and the merchant is to declare of what country they are the growth, production, or manufacture.

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The following are such of the Rules referred to in the 27 Geo. 3. c. 13. which are re-enacted:

## RULES *referred to by* 27 Geo. 3. c. 13.

RULE I. Merchants may break bulk at any port, upon oath by the master of the true contents of ship's lading.

EVERY merchant shall have liberty to break bulk, in any port allowed by the law, and to pay custom and subsidy for no more than he shall enter and land, provided that the master or purser of every such ship shall first make declaration, upon oath, before any two principal officers of the port, of the true content of his ship's lading; and likewise declare upon oath, before the customer, collector, comptroller, or surveyor, or two of them, at the next port of this kingdom where his ship shall arrive, the quantity of the goods landed at the other port where bulk was first broken, and to whom they did belong.

RULE XIII. Merchants may unlade their goods at any lawful quay at certain hours.

The merchants trading to the port of London have free liberty to lade and unlade their goods at any lawful quays and places of shipping and landing of goods, between the Tower of London and London Bridge, and between sun-rising and sun-setting, from the tenth of September to the tenth of March, and between the hours of six of the clock in the morning and six of the



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clock in the evening, from the tenth of March to the tenth of September, giving notice thereof to the reſpective officers appointed to attend the lading and unlading of goods; and ſuch officer as ſhall refuſe, upon due calling, to be preſent, he ſhall forfeit for every default 5l.; one moiety to the king, and the other moiety to the party grieved, and ſuing for the ſame.

RULE XVIII. Hours of attendance by the officers of the cuſtoms.

The officers who ſit above in the cuſtom-houſe of the port of London ſhall attend the ſervice of their ſeveral places from nine to twelve of the clock in the forenoon; and one officer or one able clerk ſhall attend with the book in the afternoon, during ſuch time as the officers are appointed to wait at the water-ſide, for the better deciding of all controverſies that may happen concerning merchants warrants. All the officers of the out-ports ſhall attend every day in the cuſtom-houſe of every reſpective port, for diſpatch of merchants and ſhippers, between the hours of nine of the clock and twelve in the morning, and two and four of the clock in the afternoon.

RULE XIX. Merchants to be diſpatched in ſuch order as they come, and no fees to be taken but thoſe allowed.

Every merchant making an entry of goods, either inwards or outwards, ſhall be diſpatched in ſuch order as he cometh; and if any officer, or his clerk, ſhall, either for favour or reward, put any merchant, or his ſervant duly attending, by his turn, or otherwiſe delay any perſon ſo duly attending, and making his entries aforeſaid, to draw any other reward or gratuity from him than is limited in the act of tonnage, and poundage, and this book, if the maſter or officer be found faulty herein, he ſhall, upon complaint to the chief officer of the cuſtom-houſe, be ſtrictly admoniſhed of his duty; but if the clerk be found faulty therein, he

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ſhall, upon complaint to the ſaid chief officers, be preſently diſcharged of his ſervice, and not be permitted to ſit in the cuſtom-houſe.

The Rules XX and XXI, reſpecting duties payable to the city of London, or any other city, town, or corporation in Great Britain, will be found in the firſt ſection of the 27 Geo. 3. c. 13. under the head CUSTOMS.

RULE XXII. Officers of Gravesend ſhall not detain ſhips unneceſſarily.

The under ſearchers, or other officers of Graveſend, having power to viſit, and ſearch, any ſhip outward bound, ſhall not, without juſt and reaſonable cauſe, detain any ſhip, under colour of ſearching the goods therein laden, *above three tides after her arrival* at Graveſend, under pain of loſs of their office, and rendering damage to the maſter or the owner of the ſhip; and the ſearcher or other officer of the cuſtom-houſe, in any of the outports, having power to ſearch any ſhip outward-bound, ſhall not, without juſt and reaſonable cauſe, detain any ſhip, under colour of ſearching the goods therein laden, above one tide after the ſaid ſhip is fully laden, and ready to ſet ſail, under pain of loſs of the office of ſuch offender, and rendering damage to the merchant and owners of the ſhip.

RULE XXIV. Officers of the cuſtoms receiving more than the fees eſtabliſhed by parliament, ſhall forfeit their places.

For avoiding all oppreſſion, by any of the officers of the cuſtoms, in any port of this kingdom, in exacting reaſonable fees from the merchant, by reaſon of any entries or otherwiſe, touching the ſhipping and unſhipping of any goods, wares, and merchandizes, it is ordered, that no officer, clerk, or any other, belonging to any cuſtom-houſe whatſoever, ſhall exact, require, or receive, any other or greater fee



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of any merchant or other whatſoever than ſuch as are or ſhall be eſtabliſhed by the commons in parliament aſſembled: if any officer or other ſhall offend contrary to this order, he ſhall forfeit his office and place, and be for ever after incapable of any office in the cuſtom-houſe.

RULE XXV. Merchants to keep their own cockets until the goods ſhall be ſhipped.

All fees appointed to be paid in to the cuſtomer, comptroller, ſurveyor, or ſurveyor-general, in the port of London, for any cocket or certificate outwards, ſhall be paid altogether, in one ſum, to that officer, from whom the merchant is to have the cocket or certificate above in the cuſtom-houſe; and after the merchant has duly paid his cuſtom and ſubſidy, and other duties above, in the cuſtom-houſe, as is appointed in the book of rates, he is to be maſter of, and keep his own cocket or certificate, until he ſhall ſhip out his own goods ſo entered, when he is to deliver the ſame to the head-ſearcher, or his majeſty's under-ſearcher in the port of London, or other ports, together with the mark and number of the goods.

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The following are the lateſt regulations which have been made upon this ſubject.

Goods of the growth of any foreign colony in America, imported directly from thence in veſſels belonging to ſubjects of any place in amity with his majeſty, may be landed, if permitted by order in council.—39 Geo. 3. c. 95. ſ. 1.

From and after the twenty-fifth day of July 1799, it ſhall and may be lawful for the officers of his majeſty's cuſtoms to permit any goods, wares, or merchandizes, being of the growth and produce of any foreign colony, iſland, or plantation in *America*, and imported into this kingdom directly from any ſuch colony, iſland, or plantation, in any ſhip or veſſel belonging to



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any of the ſubjects of the United States of America, or of any other country or place in amity with his majeſty, to be entered and landed in this kingdom without payment of the duty of cuſtoms impoſed by an act paſſed in the 38th Geo. III. c. 76.: provided ſuch goods, wares, and merchandize, ſhall be permitted to be landed and warehouſed in this kingdom by virtue and under the authority of any order or orders of his majeſty in council. 39 Geo. 3 c. 95.

Any ſuch goods, wares, or merchandize, ſo imported, landed, and warehouſed, ſhall and may be afterwards delivered from any ſuch warehouſe for exportation to foreign parts, without payment of the duty of cuſtoms impoſed by the above cited act on the exportation of any ſuch goods, wares, or merchandize: provided always, that nothing in this act ſhall extend, or be conſtrued to extend, to exempt goods, wares, and merchandizes ſo imported from the payment of any of the duties impoſed by the 38 Geo. 3. c. 76. in caſe any ſuch goods, wares, or merchandize, ſhall be taken out of any warehouſe for the purpoſe of being uſed or conſumed in this kingdom, or from the duties of cuſtoms granted by an act of the laſt ſeſſion of parliament.

and may be delivered for exportation without payment of the duty impoſed by the above cited act; but if delivered for home conſumption, the duties impoſed by that act, and an act of the preſent ſeſſion, ſhall be paid. Sect. 2.

Spaniſh wool may be imported from any port or place whatever, in any ſhip belonging to any kingdom or ſtate in amity with his majeſty, notwithſtanding the 33 Geo. 3. c. 27. or any other acts to the contrary. 39 Geo. 3 c. 98.

Veſſels detained, having Spaniſh wool on board, may be reſtored by an order of his majeſty's council, if licenſe was previouſly granted for the importation. Sect. 2.



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39 Geo. 3. c. 99. s. 3, 4

The duty impoſed by 38 Geo. 3. c. 76. of 2l. for every 100l. of the value of Britiſh goods exported to any place not in Europe, ſo far as relates to goods exported to any place within the Streights of Gibraltar, ſhall ceaſe, and inſtead of the above duty of 2l., ten ſhillings only of value for every 100l. ſhall be paid, except ſugar, and ſuch goods, wares, and merchandize, were, by any ſpecial proviſion in the 35 Geo. 3. c. 27. are exempted from the duties thereby impoſed.

Pitch, tar, deal boards, fir, and timber, may be imported from Hamburgh, &c. 39 Geo. 3 c. 111.

From the firſt of Auguſt 1799 until the firſt of Auguſt 1802, pitch and tar, deal boards, fir, and timber, may be imported in *Britiſh*-built ſhips, owned and navigated according to law, from the ports of *Hamburgh*, *Bremen*, *Altona*, and *Gluckſtat*, pitch and tar, as well as deal boards, fir, and timber; any thing in the 13th and 14th of Charles II. intituled, "*An Act* for "preventing Frauds, and regulating Abuſes "in his Majeſty's Cuſtoms," to the contrary notwithſtanding.

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The following liſt of goods prohibited to be exported, imported, &c. are inſerted, as they are intereſting to merchants and maſters of merchantmen.

## GOODS PROHIBITED *to be* IMPORTED.

Artificial flowers made of ſilk, except for private uſe, with the permiſſion of the commiſſioners of the cuſtoms
Band ſtrings
Barley, ground
Beans, ground
Beer or Bigg, ground
Books, Engliſh, or reprinted abroad
Buttons of all ſorts
Callicoes, muſlins, or ſtuffs, made of linen yarn, or cotton wool, or of linen yarn and cotton wool

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mixed, wherein ſhall be mixed or wove in the warp, in the ſelvage only, through the whole, or any part of the length of the piece, one or more blue ſtripes of one or more threads, under penalty of forfeiture and 10l. per piece by the importer
Chocolate ready made
Cocoa Paſte
Coin (current), falſe or counterfeit, to be uttered
——, Gold or ſilver of Ireland
Cut work
Embroidery
Fringe of thread or ſilk
Indian Corn or Maize, malt made thereof
Malt made of barley, beer, or bigg, of Indian corn or maize, of oats, rye, or wheat
Peaſe, ground
Rye, ground
Wire, Card Wire, or Iron Wire, for making of wool cards.

## GOODS PROHIBITED *to be* IMPORTED *and* USED *in* GREAT BRITAIN.

Bone Lace of ſilk, made in any foreign parts, and thread and lace made in France
Braſs, work made thereof
Brocade of gold or ſilver
Copper, work made thereof
Eaſt India wrought ſilks, Bengals, and ſtuffs mixed with ſilk, or herbas of the manufacture of Pruſſia, China, or Eaſt Indies, and calicoes, painted, printed, or dyed there
Embroidery
Fringe, gold, &c.
Gloves and mits of leather or ſilk
Gold or ſilver thread, lace, fringe, or work made of copper, braſs, or any inferior metal, or gold or ſilver wire or plate, embroidery, or gold or ſilver brocade.
Lace of gold or ſilk made in France
Leather, foreign, cut into ſhapes for gloves or mits
Mits of leather or ſilk
Needle work of ſilk or thread, except Eaſt India, upon muſlin
Popiſh agni dei, croſſes, pictures, beads, or ſuch other ſuperſtitious things



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Popiſh Primers, Ladies Pſalters, Manuals, Roſaries, Catechiſms, Miſſals, Breviaries Portals, Legends, and Lives of Saints, in any language, and other ſuperſtitious books in the Britiſh tongue
Silk, ribbands, laces, and girdles wrought, except Italian crapes, or taffaties from Italy
Silver thread laces, &c. as gold thread lace, &c. before mentioned
Stockings, ſilk
Stuffs mixed with ſilk or herba
Tobacco ſtalks
Velvets.

## GOODS PROHIBITED *to be* IMPORTED *for* SALE.

Artificial flowers made of ſilk
Bits
Cards for wool
Cattle, great, ſheep, swine, beef, pork (except bacon), mutton, or lamb, except ſix hundred head yearly from the Iſle of Man to the port of Cheſter, or members thereof, viz. Lancaſter, Liverpool, Poulton, Aberconway, Beaumaris, and Caernarvon; but cattle and ſalted proviſions of and from Ireland, may be imported duty free; and beſtials from the iſle of Man by the inhabitants thereof; alſo cattle from Guernſey, Jerſey, Alderney, and Sark, by the inhabitants thereof
Cauls made of ſilk
Chapes
Cheeſe from Ireland
Coin, falſe or counterfeit
Daggers
Dagger blades
Girdles
Gloves (other than leather or ſilk) which cannot be imported and uſed in Great Britain
Handles for knives
Harneſs for girdles and horſe harneſs
Hilts
Knives
Leather laces
Locks
Lockets
Mutton
Pins
Points
Pork
Proviſions (*See* Cattle)
Pummels
Rapiers

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Ribbands of ſilk only, or mixed with other materials
Saddles
Scabbards and ſheaths for knives
Silk wrought by itſelf, or with any other ſtuff in ribbands, laces, girdles, corſes, cauls, corſes of tiſſue or points
Spirits from the Britiſh plantations in America, in caſks leſs than ſixty gallons, except for private uſe
Stirrups
Swine (*See* Cattle)
Wire, card wire, or iron wire for making wool cards.

GOODS PROHIBITED *to be* IMPORTED *for* SALE, *without* LICENSE *from* HIS MAJESTY.

Ammunition
Arms
Gunpowder
War, utenſils of

GOODS PROHIBITED *to be* IMPORTED *for* SALE *by any* PERSONS, *except made and wrought in* IRELAND, *or* TAKEN UPON THE SEAS, *or* WRECKED.

Andirons
Balls, tennis
Baſons, counterfeit
Bells, viz. ſacring bells
Blanch iron thread, called white wire
Bodkins
Boſſes for bridles
Bruſhes
Buſking
Candleſticks, hanging
Caps, woollen
Cards, playing
Cards for wool
Caſkets
Chaffing balls or diſhes
Cheſſmen
Cloth, woollen
Combs
Corſes
Daggers
Dice
Dripping pans
Ewers
Forcers
Fringes of ſilk and thread
Furs tawed, viz. badger, bear, beaver, calabar, cat, ermine, fitch, fox, leopard, martin, or matron, mink, mole, otter, ounce, ſable, wolf, and wolvering.

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or any other kind of furs not originally rated as ſkins
Galley tiles
Girdles
Galoches or corks
Gridirons
Hammers
Harneſs pertaining to ſaddles
Harneſs for girdles of iron, latted ſteel, tin, or alkmine
Hats
Iron thread, called white wire
Knives, called wood knives
Laces of thread or gold
Ladles
Leather; any thing wrought of tawed leather
Locks
Needles, called pack needles
Printed wares, except paper, and pictures, and earthenware, the manufacture of Europe, other than galley-tiles
Pattens
Pinſons
Points
Purſes
Rapiers
Razors
Ribbands
Rings of copper, or latten gilt, for curtains
Saddles
Sciſſars
Scummers
Sheaths
Sheers for taylors
Shoes
Silk embroidered, and ſilk twined
Spurs
Stirrups
Tires of ſilk or gold
Tongs, viz. fire tongs
White wire
Wire of iron, viz. card wire, and all ſorts of iron wire ſmaller than fine fine and ſuperfine, and wool cards, or any other ware made of iron wire
Woollen caps
Woollen cloths or old drapery.

GOODS PROHIBITED *to be* IMPORTED *for* SALE *by* STRANGERS *or* ALIENS.

Andirons
Bells of any ſort, except hawk's bells
Bits
Bladeſmiths, any wares pertaining to them



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Blackſmiths, any ware pertaining to them
Boots
Broaches or ſpits
Bottle-makers, any ware pertaining to them
Buckles for ſhoes
Candleſticks, hanging
————, iron, ſtanding
Card-makers, any ware pertaining to them
Chaffing diſhes
Chains
Claſps for gowns
Cloths painted
Copperſmiths, any wares pertaining to them
Cupboards
Cutlers, any wares pertaining to them
Forcers
Forks, called fire works
Founders, any wares pertaining to them
Girdlers, any wares pertaining to them
Girdles
Glaſs, painted
Glovers, any wares pertaining to them
Gold beaters in papers for painters
Gold-beaters, any wares pertaining to them
Grates
Gridirons
Hangers
Hardineſs wrought for girdles
Hardineſs, called horſe harneſs
Hinges and garnets
Horners, and wares pertaining to them
Horns for lanthorns
Hurers, any wares pertaining to them
Images, painted
Joiners, any wares pertaining to them
Iron wares
Keys
Knives
Laces
Latten ware
Lavers, hanging
Locks, called ſtock locks
Lorimers, any wares pertaining to them
Nails of latten, with iron ſhanks
Pinners, any wares pertaining to them
Painters, any wares pertaining to them
Point-makers, any wares pertaining to them
Purſers
Pins
Points
Pouches
Purſes
Rings for curtains
Sadlers, any wares pertaining to them
Saddles
Saddle trees

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Sciſſars
Sheers for taylors
Silver (beaten) in papers for painters
Spits
Spoons of tin or lead
Spurrers, any wares pertaining to them
Spurs
Stirrups
Stock-locks
Stops, called holy ſtops
Taylors ſheers
Tongs
Turners, any wares pertaining to them
Weavers, any wares pertaining to them
Wire-mongers, any wares pertaining to them
Wool cards, except Roan cards

GOODS PROHIBITED *to be* IMPORTED, *except in particular* WEIGHTS, PACKAGES, &c. *or under other* RESTRICTIONS.

Aqua vitæ, except in ſhips belonging to Great Britain or Ireland, or of the ſame country with the goods, of one hundred tons burthen, and in caſks not leſs than ſixty gallons each.
Aſhes, Pot, from any places, except in ſhips belonging to Great Britain or Ireland, or of the ſame country with the goods
Beef, except from the Iſle of Man, by the inhabitants thereof, according to the regulations of the 5th Geo. 3. c. 43. into any lawful port of Great Britain, and except Iriſh beef into any part of Great Britain
Boards, except in ſhips belonging to Great Britain or Ireland, or of the ſame country with the goods
Brandy, in caſks containing not leſs than one hundred gallons each, or in ſhips leſs than one hundred tons
———, in any caſe, except in ſhips belonging to Great Britain or Ireland, or of the ſame country with the goods
Cambricks and French lawns, except in Britiſh or French built ſhips, legally navigated and owned, and in bales, &c. covered with ſackcloth or canvaſs, containing one hundred whole

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pieces, or two hundred demi pieces

Cambricks and French lawns, or lawns from Ireland, until the importation there ſhall be prohibited *.

Candles, ſoap, and ſtarch, or hair powder made of ſtarch, or which ſerve for the ſame uſes as ſtarch, in any packages leſs than two hundred and twenty-four pounds weight net.

Coffee, in ſhips not above fifty tons, and in packages leſs than one hundred and twelve pounds net

Coin, viz. light or baſe coin exceeding 5l.

Corn or grain, except in ſhips belonging to Great Britain or Ireland, or of the ſame country with the goods

Currants (Turkey), except in Britiſh-built ſhips, or ſhips of the ſame country with the goods, and any currants in any packages containing leſs than five hundred weight net.

Figs, except in ſhips belonging to Great Britain or Ireland, or of the ſame country with the goods; and Turkey figs, except in Britiſh-built ſhips, or of the ſame country with the goods

Fiſh, flat or freſh, in foreign ſhips, taken by or bought of foreigners, except eels, ſtock fiſh, anchovies, ſturgeon, botargo, cavear, lobſters, and turbots

Flax, except in ſhips of Great Britain or Ireland, or of the built of the ſame country with the goods

Geneva, in caſks containing leſs than one hundred gallons, or in ſhips leſs than one hundred tons, except two gallons for each ſeaman, if no other ſpirits or wine for their uſe

Hair powder made of ſtarch, except in packages containing each two hundred and twenty-four pounds weight net

Hats or bonnets of baſt, ſtraw, chip, cane, or horſe-hair, except in bales or tubs containing ſeventy-five dozen each; and plaiting or other materials for making ſuch hats, except in packages contain-

* Theſe and other articles the produce of France cannot now be legally imported, the Commercial Treaty being ſuſpended during the preſent hoſtilities.

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ing each two hundred and twenty-four poundsweight net: thus into London only, and ſhips exceeding fifty tons burthen

Iſle of Man brandy, rum, ſtrong waters, or ſpirits, not to be imported thence

Maſts, except in ſhips belonging to Great Britain or Ireland, or of the built of the ſame country with the goods

Oak bark, when the price of hatch bark is under 10l. per load, or oak bark in the rinds under 2l. 10s. the load

Oil (Olive), except in ſhips belonging to Great Britain or Ireland, or of the built of the ſame country as the goods

Packet boats, any goods or merchandize therein, except by licenſe of the commiſſioners of the cuſtoms

Pepper, except in the port of London

Pitch, except in ſhips belonging to Great Britain or Ireland, or in ſhips of the built of the ſame country with the goods

Prunes, except in ſhips belonging to Great Britain or Ireland, or in ſhips of the built of the ſame country as the goods

Raiſins, except in ſhips belonging to Great Britain or Ireland, or in ſhips of the built of the ſame country as the goods

Roſin the like

Rum, except in caſks that will contain ſixty gallons each; if regularly imported from the Britiſh dominions in America in ſmall caſks for private uſe, the commiſſioners may admit to entry

Sail-cloth or canvas for Ireland, except in entire bolts or pieces

Salt, except in ſhips of forty tons burthen, or otherwiſe than in bulk, except for the ſhip's proviſions

—— of Great Britain or Ireland, or other ſalt coming from Ireland or the Iſle of Man, except for the ſhip's proviſions, or taken in to cure fiſh at ſea

—— from any place, except in ſhips belonging to Great Britain or Ireland, or in ſhips of the built of the ſame country as the goods

Silk, thrown, except directly from Italy, Sicily, or the kingdom of Naples, legally imported

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Silk, raw, Turkey, except from ports in the dominions of the Grand Seignior, legally imported.

Snuff, except in packages containing each four hundred and fifty pounds weight net, and in ſhips of one hundred and twenty tons burthen

Soap, except in packages containing each two hundred and twenty-four pounds net

Spice imported by licenſe, except as follows: cinnamon in bales, containing each ſeventy pounds weight net; nutmegs, cloves, or mace, in caſks containing three hundred pounds weight net or upwards

—— from any part of Europe, except by licenſe of the commiſſioners of the cuſtoms

Spirits of any kind, except in caſks that will contain one hundred gallons each, and in ſhips of one hundred tons burthen, on forfeiture of the ſhips and goods; but rum of the Britiſh plantations, and arrack, may be imported in caſks that will contain ſixty gallons each; and rum in ſmaller caſks for private uſe, the commiſſioners of the cuſtoms may admit to entry

Starch, or hair powder made of ſtarch, or which may ſerve for the ſame uſes as ſtarch, except in packages containing each two hundred and twenty-four pounds weight

Sugar, except in ſhips belonging to Great Britain or Ireland, or of the built of the country of which it is the growth

Tar from any place, except in Britiſh ſhips, or in the ſhips of the built of the country of which it is the produce

Tea only from the place of its growth, though formerly exported hence, except by licenſe of the lords of the treaſury, in caſe the Eaſt India Company do not ſupply the market in Britiſh-built ſhips

Timber, except in Britiſh ſhips, or in ſhips of the built of the country of which it is the growth

Tobacco, except in caſks or other packages containing each four hundred and fifty pounds weight net, and in ſhips of one hun-

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dred and twenty tons burthen, nor from any other place than the plantations of Spain or Portugal, from the Britiſh plantations of America, from the United States of America, or from Ireland, the growth thereof reſpectively, although the ſame may have been formerly exported hence

Turkey goods, or of the dominions of the Grand Seignior, except in Britiſh-built ſhips, or in ſhips of the built of the country of which they are the growth, &c.

Vinegar, except in Britiſh-built ſhips, or in ſhips of the built of the country of which it is the produce, &c.

Whalebone cut (except in fins)

Wines, except in Britiſh ſhips, or in ſhips of the built of the country of which it is the produce

Wines, Spaniſh, Portugal, or French, except in hogſheads, unleſs for private uſe, and in ſhips ſixty tons burthen

—— from any place in ſhips of leſs burthen than ſixty tons

—— in flaſks or bottles, or veſſels containing leſs than twenty-five gallons, except French wines in bottles or packages containing three dozen bottles each, until the tenth of May 1800, and except wines of the dominions of the Great Duke of Tuſcany in open flaſks, or of Turkey, or any other part of the Levant Sea, in the manner heretofore uſually imported.

N. B. Two gallons per man of wine and ſpirits are allowed for the ſhip's uſe for each ſeaman in the ſhips of any country or any tonnage.

## GOODS PROHIBITED *to be* EXPORTED.

Bell metal

Boxes for clocks or watches without the movements, &c.

Braſs metal

Bullion, unleſs a certificate from the court of the lord mayor and aldermen of London, and is produced to the commiſſioners of

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the cuſtoms that it is foreign, and not molten from coin of this realm, or clippings thereof, nor from plate wrought in this kingdom

Caſes for clocks and watches of any metal without the movements

Clocks without the movements made fit for uſe, with the maker's name

Coin of gold and ſilver, without the king's licenſe (except foreign coin upon entry, or any other coin, into Ireland)

Copper, except made of Britiſh ore

Corn of any ſort, or malt, biſcuit meal, or flour made therefrom, except under the regulations and reſtrictions of the 31ſt Geo. 3. c. 30.

——, viz. wheat or meal, flour, malt, bread, or biſcuit, made of wheat, if at or above per quarter 46s.

——, viz. rye, peaſe, or beans, or meal, flour, bread, or biſcuit, made of rye, peaſe, or beans, when rye, peaſe, or beans, are at or above per quarter 30s.

—, viz. barley, beer, or bigg, or meal, flour, malt, bread or biſcuit, made of barley, beer, or bigg, when barley, beer, or bigg, are at or above per quarter 23s.

Corn, oats, or meal, malt, bread, or biſcuit made of oats, when oats are at or above per quarter 15s.

——, foreign, of any ſort, imported and not warehouſed, or malt, meal, or flour, or biſcuit made therefrom, except ſo much as ſhall be neceſſary for the ſuſtenance, diet, and ſupply, of the maſter of the ſhip, mariners, paſſengers, &c. or for the uſe of cattle, live ſtock, or other animals on board, for victualling or providing his majeſty's ſhips of war, &c. or for victualling or providing any of his majeſty's forces, forts, or garriſons. Beans to the Britiſh forts, caſtles, or factories in Africa, or for the uſe of Britiſh ſhips trading on that coaſt, which have been uſually ſupplied from Great Britain: Corn coaſtwiſe, upon the ſecurity required by law (except from a port where the exportation is not allowed at the time of ſhipping to any other port of Great Britain whence it may be



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exported), and except as mentioned in 31ſt Geo. 3. c. 30.

Dial plates for clocks or watches without the movements, &c.

Frames or engines for knitting of ſtockings

Fullers earth or ſcouring clay

Gunpowder, when the price exceeds 5l. per barrel, or prohibited by proclamation

Hides of ox, ſteer, cow, bull, or calf, except calves ſkins dreſſed without the hair, unleſs for the ſhip's uſe, not exceeding ſix raw hides and three tanned hides

Horns, Britiſh unwrought

Iſle of Man wrought ſilks, Bengals, ſtuffs mixed with ſilk, or herbas of the manufacture of Perſia, China, or Eaſt India, calicoes painted, dyed, printed, or ſtained there. Cambricks or French lawns, may not be exported to the Iſle of Man

Lambs, alive

Latten

Metal, braſs, copper, latten, bell metal, pan metal, gun metal, ſhruff metal (except lead, and tin, and copper, and mundic-metal made of Britiſh ore, and foreign copper in bars)

Mortlings

Rams, alive

Scouring clay

Sheep, alive

Shortlings

Silver, molten, except marked at Goldſmith's Hall, and by certificate, &c. as in bullion

Tallow

Tea, to Ireland, or Britiſh plantations except in the original packages

Thrumbs

Tobacco pipe clay, except to the Britiſh ſugar colonies in the Weſt Indies, until the twenty-fourth of June 1792, &c.

Tools or utenſils, machines, engines, preſſes, paper, implements, or any model or plan thereof, in the cotton, linen, ſilk, or woollen manufactures, may not be ſhipped, unleſs to be directly landed again in Great Britain or Ireland

—— not to be collected together to be conveyed by open ſea to any place except to Great Britain, but not to extend to wool cards, or ſtock cards, not exceeding in value 4s.



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per pair, and ſpinners cards not exceeding 1s. 6d. per pair, exported to any Britiſh colony in America

Tools, viz. hand ſtamps; dog-head ſtamps, pulley ſtamps, hammers, and anvils, for ſtamps; rollers either plain or grooved, or of any other form or denomination, of caſt iron, wrought iron, or ſteel, for the rolling of iron, or any ſorts of metal, and frames, beds, pillars, ſcrews, pinions, and each implement, tool, or utenſil, thereto belonging; rollers, ſlitters, frames, beds, pillars, and ſcrews for ſlitting mills; preſſes of all ſorts in iron, ſteel, or other metals, which are uſed with a ſcrew exceeding one inch and a half in diameter, or any parts of theſe ſeveral articles, or any model or models of any of the before mentioned utenſils, implements, and machines, or any part thereof, and all ſorts of utenſils, engines, or machines, uſed in the boring of cannon, or any ſort of artillery, or any parts thereof; preſſes of all ſorts, beds and punches to be uſed therewith, either in parts or pieces, or fitted together; ſcoring or ſhading engines; preſſes for horn buttons; dies for horn buttons; rolled metal with ſilver thereon; parts of buttons not fitted up into buttons, or in an unfiniſhed ſtate; engines for chaſing; ſtocks for caſting buckles, buttons, or rings; die-ſinking tools of all ſorts; engines for making button ſhanks; caps of all ſorts; tools for pinching of glaſs; engines for covering of whips; bars of metal covered with gold or ſilver; burniſhing ſtones, commonly called blood ſtones, either in the rough ſtate, or finiſhed for uſe; wire moulds for making paper; wheels, made of metal, ſtone, or wood, for cutting, roughing, ſmoothing, poliſhing, and engraving glaſs; purcellas, pincers, ſheers, and pipes uſed in blowing glaſs; potters wheels and potters laths, for plain, round, and for engine turning; tools uſed by ſaddlers, harneſs-makers, and bridle-makers, name-



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ly, cattle-ſtrainers, ſide-ſtrainers, point-ſtrainers, creaſing-irons, ſcrew-creaſers, wheel-irons, ſeat-irons, pricking-irons, bol-ſtering irons, calams, and head-knives

Watches without the movements fit for uſe, with the maker's name

Wool, Sheep's, wool fells, mortlings, ſhortlings, yarn made of wool, wool flocks, fullers earth, fulling clay, and tobacco-pipe clay, except the latter to the Britiſh ſugar-colonies in the Weſt-Indies, until the twenty-fourth of June 1792, and except to Ireland; coverlids, waddings, or other manufactures of wool ſlightly worked or put up together, ſo as they may be reduced to wool again, or mattreſſes or beds ſtuffed with combed wool, or wool fit for combing; Britiſh hair-ſkins, or parts or pieces thereof; Britiſh hair wool: coney wool undreſſed or untawed; Britiſh coney ſkins, or parts or pieces thereof

Woollen yarn

Worſted *.

* For further particulars relative to Importation and Exportation, ſee CUSTOMS, NAVIGATION, and PLANTATIONS, &c.

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## Impreſſing of Seamen.

NOTWITHSTANDING the various arguments which have been adduced againſt the legality of impreſſing men for the ſea ſervice, the practice of thus manning the navy is not only ſanctioned by cuſtom, but is alſo eſtabliſhed by law; and where no other adequate mode can be ſubſtituted, the law of imperious neceſſity muſt be complied with.

The very high bounties, however, which have been given, and the 35 Geo. 3. c. 9. amended by 35 Geo. 3. c. 19. appointing certain proportions of men to ſerve in the navy, to be levied in the ſeveral counties of England and Wales, has been found nearly effectual, without having recourſe to impreſſing, which, notwithſtanding, muſt, in caſes of urgency, be ſtill reſorted to as the moſt certain, when every other method is found to be ineffectual.— Accordingly, by the 38 Geo. 3. c. 48. protections were ſuſpended for a time limited by that act, with ſome particular exceptions of thoſe ſeamen which were abſolutely neceſſary for carrying on the coal trade, &c.; but the time limited by that act having expired, protections are of courſe revived.

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By an act, intituled,

" The Penalty of Mariners retained to ſerve " the King on the Sea, which do depart with- " out Licenſe," 2 Rich. 2. ſt. 1. c. 4.

Mariners that have been *arreſted* and retained for the king's ſervice upon the ſea, in defence of the realm, who *flee out* of the ſaid ſervice without licenſe of the admirals, to the great damage of the king and his realm, and hindrance of the ſaid voyages, ſhall reſtore to the Mariners leaving the ſervice to be impriſoned, &c.



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2 Rich. 2. ſt. 2. king double the wages they have received, and ſuffer one year's impriſonment, without bail or mainprize.

And all ſheriffs, mayors, and bailiffs, within franchiſes and without, are to take all fugitive mariners, and put them in priſon.

Puniſhment of maſters of ſhips, &c. ſuffering mariners to eſcape. 2 Rich. 2. c. 4

Maſters of ſhips, and all other perſons, who ſhall be convicted, by enquiry before the admiral or his lieutenant, of having taken any-thing from the ſaid mariners, for ſuffering them to go at large out of the ſervice, after having been ſo arreſted and retained, ſhall ſuffer the like penalties as the fugitives.

By an act, intituled,

2 & 3 Ph. and Mar. c. 16. ſ. 3.

"An Act touching Watermen and Bargemen upon the River Thames," it is enacted,

The puniſhment of watermen withdrawing themſelves in the time of preſſing.

That perſons uſing and exerciſing the occupation of rowing betwixt Graveſend and Windſor, who ſhall willingly, voluntarily, and obſtinately, withdraw, hide, or convey themſelves, in the time of preſſing, into ſecret places, and return again, when ſuch time of preſſing is overpaſſed, to row between Graveſend and Windſor, the perſons ſo offending ſhall ſuffer impriſonment for two weeks, and be diſabled from rowing on the Thames for a year and a day following

5 Eliz. c. 5. ſ. 41.

Fiſhermen and mariners are not compelled to ſerve as ſoldiers, except under ſome captain of a ſhip for landing on ſome exploit that mariners have uſed to do.

In what caſes a fiſherman ſhall be taken to ſerve as a mariner. Sect. 43.

No fiſherman to be taken to ſerve at ſea, unleſs the commiſſion be firſt brought to two juſtices near, who are to chooſe out the number of men therein ſpecified.

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Every ſhip in the coal-trade has the following number of perſons protected, viz. two able ſeamen (ſuch as the maſter ſhall nominate) for every ſhip of one hundred tons; and one for every fifty tons for every ſhip of one hundred tons and upwards; and any officer who preſumes to impreſs any of the above, ſhall forfeit to the maſter or owner of ſuch veſſel 10l. for every man ſo impreſſed; and ſuch officer ſhall be incapable of holding any place, office, or employment, in any of his majeſty's ſhips of war.

Seamen in the coal trade protected. 6 & 7 Will 3. c. 21. ſ. 12.

It is neceſſary, however, to entitle theſe men to the above protection, that the maſter ſhould, purſuant to the act, *name them before they are impreſſed*, which is done by going before the mayor or other magiſtrate of the place, who is to give the maſter a certificate, in which is contained the names of the particular men whom he wiſhes to have thus protected; and this certificate will be their protection.

5 Term Rep. 417.

No harpooner or foreigners permitted by the act for carrying on the Greenland fiſhery ſhall be impreſſed.

1 Anne, ſt. 1. c. 16 ſ 2.

Pariſh boys bound apprentices to the ſea ſervice not to be impreſſed till eighteen years of age.

2 & 3 Anne, c. 6. ſ. 4.

Voluntary apprentices to the ſea ſervice not to be impreſſed for three years after the date of their indentures.

Sect. 15.

No perſons of the age of eighteen years, who ſhall have been in any ſea ſervice before they bound themſelves apprentices, ſhall be exempt or protected from his majeſty's ſervice.

No apprentice aged eighteen years before bound to be exempt from being impreſſed.

4 Anne, c. 19. ſ 17. and 13 Geo. 2. c. 17. ſ. 2.



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Maſters to receive able ſeamen's pay for apprentices impreſſed or entering voluntarily. 2 & 3 Anne, c. 6. ſ. 17.

When ſuch apprentices are impreſſed, or have entered voluntarily into the king's ſervice, the owners or maſters of ſuch apprentices ſhall be entitled to able ſeamen's wages for ſuch of them as ſhall be found duly qualified for the ſame, notwithſtanding their indentures of apprenticeſhip.

4 Anne, c. 19. ſ. 18.

Watermen on the Thames ſummoned by the rulers of their company to ſerve on board the fleet, and not appearing, to be impriſoned for one month, and diſabled from working on the Thames for two years.

6 Anne, c. 31. ſ. 2.

Watermen on the Thames belonging to the Inſurance Companies are protected from being impreſſed, not exceeding thirty for each office, and their names being regiſtered at the Admiralty Office.

9 Anne, c. 26. ſ. 1.

Fiſhermen on the Thames, ſummoned by their court of aſſiſtants to ſerve in the navy, and neglecting to appear, ſhall be ſent on board, and diſabled from fiſhing on the Thames for two years.

13 Geo. 2. c. 7. ſ. 1.

Perſons under eighteen, or above fifty-five years of age, and foreigners ſerving in merchant ſhips or privateers, are exempt from being preſſed.

Sect. 2.

Landmen uſing the ſea are exempted from being preſſed for two years, to be computed from the time of their firſt going to ſea.

Perſons not having uſed the ſea, binding themſelves apprentices to the ſea ſervice, to be exempt from being preſſed for three years.

Sect. 3.

The admiralty to grant protections accordingly, without fee.

13 Geo. 3. c. 28. ſ. 5.

No harpooner, line-manager, boat-ſteerer, or ſeaman in the *Greenland Fiſhery* to be preſſed;

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and they may ſail in the coal trade at other times of the year, giving ſecurity to return to the Greenland Fiſhery. 13 Geo. 2. c. 28.

Seamen in privateers, or trading ſhips in the plantations, not to be preſſed, on penalty of 50l. for every man, except deſerters; the penalty to be recovered from the officer preſſing ſuch men. 19 Geo. 2. c. 30. ſ. 1.

Maſters of privateers and trading veſſels, before they enter any ſeaman, to endeavour to diſcover whether they have deſerted from any of his majeſty's ſhips; and if ſuch maſters entertain any deſerters on board, they ſhall forfeit the ſum of 50l. for every ſuch deſerter. Penalty on maſters of ſhips entertaining deſerters. Sect. 2.

Maſters of privateers and trading veſſels to deliver a liſt of their men, containing their names, ages, and deſcriptions of their perſons, to the chief officer of the cuſtoms, at the port of departure in the plantations, on penalty of 10l. for every man whoſe name ſhall not be inſerted in the liſt. Sect. 3.

The officer of the cuſtoms to return to the maſter an atteſted copy of ſuch liſt, which is to be altered as occaſion requires by the naval officer or officers of the cuſtoms in any port where the ſhip arrives. Sect. 4.

The liſt to be produced to any captains of men of war; and if any deſerters be found on board, not mentioned in the liſt, the maſter forfeits 50l. for every ſuch man.

In caſe of threatened or actual invaſion of a colony, or other unforeſeen neceſſity, commanders of ſhips of war there, may, with conſent of the governor and council of the colony, preſs ſeamen to make up their uſual complement. Sect. 7.

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19 Geo. 2. c. 30. § 7. Such ſeamen to be diſcharged, if they require it, when the ſervice is performed.

5ol. Penalty on the captains refuſing their diſcharge.

All perſons coming under either of the four following deſcriptions, employed in the fiſheries of theſe kingdoms, are to be exempted from being impreſſed; and the admiralty is to grant them protections without fee or reward, upon affidavits being produced, that they fall within either of the deſcriptions; and if afterwards detained by any officer in the navy, except

2 Geo. 3. c. 15. ſ. 23, 24. *in the caſe of an actual invaſion of theſe kingdoms, or imminent danger thereof, ſignified by ſome order of his majeſty, or his privy council, to the lords of the admiralty*, ſuch officer ſo detaining him ſhall forfeit 20l. to the perſon impreſſed, if not an apprentice, otherwiſe to his maſter.

## PERSONS *deſcribed in the* ACT 2 Geo. 3. c. 15. *to be protected by the* ADMIRALTY.

Firſt, Maſters of fiſhing veſſels or boats, who either themſelves or their owners have, or within ſix months before applying for a protection, ſhall have had, one apprentice, or more, under ſixteen years of age, bound for five years and employed in fiſhing on the coaſts, or in any of the rivers.

Secondly, All ſuch apprentices, not exceeding four to every maſter or owner of any fiſhing veſſel, of thirty tons or upwards, and two to every veſſel or boat under thirty tons, during the time of their apprenticeſhip, and until the age of twenty years, they continuing for the time in the buſineſs of fiſhing only.

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Thirdly, One mariner, beſides the maſter and apprentices, to every fiſhing veſſel of ten tons or upwards, employed on the ſea coaſt, during his continuance in ſuch ſervice of fiſhing. 2 Geo. 3. c. 15.

Fourthly, Any landman, entering and employed on board ſuch veſſel, for two years from his firſt going to ſea, and to the end of the voyage in which he is then engaged, if he continue ſo long in ſuch ſervice.

No maſter or owner of ſuch fiſhing veſſels or boats above deſcribed is knowingly to harbour any deſerter from his majeſty's ſervice, under penalty of 20l. Sect. 25.

No harpooner, line-manager, or boat-ſteerer, belonging to any veſſel fitted out for the Southern whale fiſhery, ſhall be impreſſed from the ſaid ſervice, ſo long as he belongs to any ſhip or veſſel employed in the ſame. 26 Geo. 3. c. 50. ſ. 25.

It is ſaid by Mr. Juſtice Buller, that a ferryman is likewiſe exempt from being impreſſed. 5 Term Rep. 277.

It has been determined, in the caſe of *The King againſt Rowland Phillips*, who was indicted for murder, that if an officer in the impreſs ſervice fire with a muſquet, as is uſual in the navy, to hit the haulyards of any veſſel, in order to bring her to, and by that he chance to kill a man, this is not *murder*, but *manſlaughter*.

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# Inſurance, Marine.

IT having been found that the making Aſſurances, intereſt or no intereſt, or without further proof of intereſt than the policy, had been productive of many pernicious practices, whereby great numbers of ſhips, with their cargoes, had either been fraudulently loſt and deſtroyed, or taken by the enemy in time of war; and ſuch aſſurances having encouraged the exportation of wool, and the carrying on many other prohibited and clandeſtine trades, which by means of ſuch aſſurances had been concealed, and the parties concerned ſecured from loſs, to the detriment of the public revenue and the injury of fair traders; and by introducing a miſchievous kind of gaming or wagering, under the pretence of aſſuring the riſque on ſhipping and fair trade, the inſtitution and laudable deſign of making aſſurances had been perverted, and that which was intended for the encouragement of trade and navigation, had in many inſtances become hurtful of, and deſtructive to the ſame: An Act was paſſed, intituled,

19 Geo. 2. c. 37. "An Act to regulate Inſurance on Ships "belonging to the Subjects of Great Britain, "and on Merchandizes or Effects laden "thereon."

Sect. 1. On account of many frauds being committed, no inſurance to be made on ſhips or cargoes, intereſt or no intereſt.

Sect. 2. and 3. Privateers excepted, and effects from the dominions of Spain and Portugal.

Re aſſurance. Sect. 4. No re-aſſurance to be made, unleſs the aſſurer be inſolvent, become a bankrupt, or die.

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All monies lent on *bottomree* or at *reſpondentia* on veſſels to or from the Eaſt Indies ſhall be expreſsly lent only on the ſhip and merchandizes, that the lenders may have the benefit of ſalvage, and who alone may inſure; and no borrower to recover more on any inſurance than his intereſt on the ſhip and merchandize, excluſive of the money borrowed; and if his ſhare do not amount to the money borrowed, he ſhall in caſe of loſs be anſwerable to the lender for the difference, with intereſt. Conditions for lending ſums on bottomree, on ſhips to and from the Eaſt Indies. Sect. 5.

In actions on policies, plaintiff to declare in fifteen days after requeſt, what ſums he has inſured, and what ſums he has borrowed at *reſpondentia* or *bottomree*. In all actions plaintiff to declare within 15 days what ſums he hath inſured. Sect. 6.

Perſons ſued on policies may pay money into court. Sect. 7.

Owners of ſhips in the Greenland fiſhery may inſure the bounty. 28 Geo. 2. c. 20. ſ. 12.

Policies of inſurance are to contain *the names of the parties inſured, the names of the underwriters, the ſums inſured*, and the *premium* or conſideration paid, given, or contracted for, otherwiſe to be null and void. 35 Geo. 3. c. 63. ſ. 11.

By the above cited act all former acts, relative to the ſtamps for inſurance policies, are repealed, and new duties impoſed. The principal ſections of this act relate to the regulations of commiſſioners, the ſtamp duty, &c.

Perſons making inſurances, &c. unleſs the ſame be properly ſtamped; and brokers, &c. acting contrary to this act, to forfeit £500. Sect. 15.

Brokerage, &c. is not legally chargeable unleſs the policy be properly ſtamped. Sect. 16.



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The remaining ſections of this act relate to the recovery and application of penalties, extenſion of the powers of former ſtamp acts, puniſhment for counterfeiting ſtamps, &c.

36 Geo. 3. c. 26. & 27. The two offices under the names of THE ROYAL EXCHANGE ASSURANCE OFFICE, and THE LONDON INSURANCE OFFICE, created by charter of Geo. I. c. 18. by the 36th of his preſent Majeſty, c. 26. and 27. ſtill continue offices for inſurance of property within his Majeſty's dominions, and have a ſole and excluſive right to inſure *in co-partnerſhip*.

38 Geo. 3 c. 76 s. 4 Ships ſailing without convoy, or ſeparating from it without leave, inſurance with reſpect to the property of the maſter or perſon privy to the offence, to be void.

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## Longitude and Improvements in Navigation.

DISCOVERIES in these branches of science are of such importance in a commercial and maritime state, that the Legislature has been induced to hold out very liberal rewards, as an encouragement to those who should devote their time and talents to subjects so beneficial to their country.—Not only a very large reward is offered to any person who shall actually discover the longitude (if such discovery be indeed practicable), but certain considerable sums are to be allowed to those who shall approximate within certain limits towards this discovery; and a discretionary power is wisely vested in the commissioners, to bestow large sums as rewards, for such improvements in navigation as shall be deemed of public utility.

Some of these acts relate to the time-pieces of Harrison, which were found to perform with great accuracy. The more recent invention of Mr. Mudge has also been found of considerable advantage, and both have been liberally rewarded; these time-pieces, together with the introduction of the lunar observations, now almost universally adopted in his Majesty's navy, have perhaps brought these enquiries, if not to the precise and absolute attainment of the longitude, to a degree of accuracy sufficient to answer all the necessary purposes of navigation.

The first act for providing a public reward for such person or persons as should discover the longitude by sea after reciting "the great importance of the discovery of the longitude, for the safety and quickness of voyages, the preservation of ships, and the lives of men; and that, in the judgment of able mathematicians and navigators, several methods already discovered, true in theory, though very difficult in practice, some of

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which might be capable of improvement, ſome already diſcovered might be propoſed to the public, and others might be invented hereafter; but that, beſides the great difficulty of the thing itſelf, partly for the want of ſome public reward to be ſettled as an encouragement, and partly for want of money for trials and experiments neceſſary thereunto, no ſuch inventions or propoſals hitherto made had been brought to perfection"; Enacts as follows:

12 Ann. c. 15. § 2. Commiſſioners appointed for diſcovering the longitude and receiving propoſals.

That the Lord High Admiral of Great Britain, or the Firſt Commiſſioner of the Admiralty, the Speaker of the Houſe of Commons, the Firſt Commiſſioner of the Navy, the Admirals of the Red, White, and Blue Squadrons, the Maſter of the Trinity Houſe, the Preſident of the Royal Society, the Royal Aſtronomer of Greenwich, the Savilian, Lucaſian, and Plumian Profeſſors of the Mathematics in Oxford and Cambridge, all for the time being, together with ſeveral others perſonally mentioned in the act, be conſtituted commiſſioners for the diſcovery of the longitude at ſea; and for examining, trying, and judging of all propoſals, experiments, and improvements relating to the ſame: and that the ſaid commiſſioners, or any five or more of them, have full power to hear and receive any propoſals that ſhall be made for diſcovering the longitude; and in caſe the ſaid commiſſioners, or any five of them, ſhall be ſatisfied with the diſcovery, and think proper to try the experiment thereof, they ſhall certify the ſame under their hands and ſeals to the Commiſſioners of the Navy, together with the names of the authors of ſuch propoſals, and upon producing ſuch certificate, the ſaid commiſſioners are authoriſed to make out bills for any ſuch ſums of money, not ex-

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ceeding 2000l. as ſhall be by them thought neceſſary for making the experiments, payable by the Treaſurer of the Navy, who ſhall pay the ſame out of any money that ſhall be in his hands unapplied for the uſe of the navy.

The commiſſioners appointed by this act, or the major part of them, to determine how far, after experiment made, the propoſals for diſcovering the longitude are found practicable, and to what degree of exactneſs. 12 Ann. c. 15. ſ. 2. Commiſſioners to determine how far any propoſals are practicable.

And for a due and ſufficient encouragement to any ſuch perſon as ſhall diſcover a proper method for finding the longitude, the firſt author or diſcoverer of any ſuch method, his executors, adminiſtrators, or aſſigns, ſhall be entitled to the following rewards, *viz.* Rewards to the firſt diſcoverers of the longitude, when and how to be paid. Sect. 3.

*Ten thouſand pounds*, if the longitude is determined to one degree or ſixty geographical miles.

*Fifteen thouſand pounds* if determined to two thirds of the above diſtance. *Twenty thouſand pounds* if determined within half the ſame diſtance.

One moiety of ſuch reward ſhall be due and paid when the commiſſioners, or the major part of them, ſhall agree that any ſuch method extends to the ſecurity of ſhips within eighty geographical miles from the ſhores, which are places of the greateſt danger; and the other moiety, when a ſhip, by the appointment of the ſaid commiſſioners, or the major part of them, ſhall ſail from Great Britain to any port in the Weſt Indies, to be nominated by the ſaid commiſſioners for ſuch experiment, without loſing her longitude beyond the limits before mentioned. Rewards, when to be paid. Sect. 4.



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12 Ann. c. 2. f. 5. Commiſſioners of the Navy to make out bills upon the Treaſurer of the Navy for payment of the reward.

As ſoon as any of the above methods ſhall have been found practicable and uſeful at ſea within the aforeſaid limits, the commiſſioners, or a majority of them, ſhall certify the ſame to the Commiſſioners of the Navy, with the names of the authors of ſuch propoſals and diſcoveries, who ſhall thereupon make out bills for the payment of the reward, which ſhall be paid by the Treaſurer of the Navy.

The Commiſſioners may allow a leſs ſum for any uſeful propoſal. Sect. 6.

Should any propoſal be found, on trial, not of ſo much uſe as afore-mentioned: yet if the ſame ſhould on trial, in the judgment of the majority of the ſaid commiſſioners be found of conſiderable uſe to the public, then, and in ſuch caſe, the author of ſuch diſcovery ſhall receive ſuch leſs reward as the majority of the ſaid commiſſioners ſhall think reaſonable, to be paid by the Treaſurer of the Navy, upon a certificate as in the preceding clauſe.

The next act for ſurveying the chief ports and headlands on the coaſts of Great Britain and Ireland, &c. in order to the more exact determination of the longitude and latitude, after reciting the preceding act, and,

"That it is abſolutely neceſſary for making "any diſcovery of the longitude uſeful at ſea, "and for the ſecurity of ſhips approaching "near the ſhores, that the chief ports and "headlands of Great Britain and Ireland, and "the Iſlands and plantations thereto belonging, ſhould be firſt ſurveyed, and the longitude and latitude of ſuch places ſhould be "determined more exactly than had hitherto "been done: and ſome doubts having ariſen "whether by the words of the preceding act, "the ſum of 2000l. appointed for making ſuch "experiments, or any part thereof, could

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" be applied to such survey, or fixing the latitude " or longitude of such places," Thus enacts,

The Commissioners for discovering the Longitude, or any five of them, shall have full power to apply such part of the said sum of 2000l. as they should think necessary, for the purpose of making surveys of the ports of Great Britain and Ireland; such sums to be paid upon certificate to such persons appointed by the commissioners for such survey, by the Treasurer of the Navy, as provided in the preceding act.

The 2000l. allowed for experiments may be employed in making surveys of the ports of Great Britain and Ireland.

By an act to render more effectual the preceding act, 12th Anne, and to enlarge the number of commissioners appointed by the said act, after reciting the preceding acts of Queen Anne and George II. and,

" That in pursuance of the same, they were " so far satisfied with the probabilities of the " proposals which had been made to them at " different times for the discovery of the longi- " tude, that they had thought it proper to " make experiments thereof, and accordingly " certified the same to the Commissioners of " the Navy, together with the name of *Master* " *John Harrison*, the author of the said pro- " posals, who had received from the Treasurer " of the Navy 1250l.; and that a like compe- " tent number of the Commissioners of Longi- " tude had, in pursuance of the 14 Geo. II. " c. 39. appointed *Master William Whiston* to " survey and determine the longitude and lati- " tude of the ports therein mentioned; and did " also apply the further sum of 500l. which " they thought necessary for making such sur- " vey; that in consequence of the preceding " expenditures the sum of *two hundred and fifty* " *pounds*, remainder of the aforesaid sum of



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" 2000l. then remained in hand; that by con-
" tinuing to encourage ingenious perſons to
" invent and make further experiments to diſ-
" cover the ſaid longitude, ſuch diſcoveries
" might at length be produced as would an-
" ſwer that end, and therefore contribute very
" much to the advantage of the trade and
" honour of this kingdom; for enabling there-
" fore the ſaid commiſſioners to cauſe ſuch
" further experiments to be made as they
" ſhould think proper,

26 Geo 2. c. 25. 2000l. given in addition to the 250l. in hand.

The ſaid commiſſioners, conſtituted by the 12th Ann. may receive propoſals for diſcovering the longitude—to make experiments—to certify the author's name to the Commiſſioners of the Navy: and the ſaid commiſſioners *are to be allowed two thouſand pounds over and above the ſum of two hundred and fifty pounds remaining in their hands*, to be appropriated to the perſons, purpoſes, &c. as mentioned in the above recited acts of 12th Anne and 26 Geo. II. c. 25.

Additional commiſſioners appointed. Sect. 2.

The Governor of Greenwich Hoſpital, the Judge of the Admiralty, the Secretaries of the Treaſury, Secretary of the Admiralty, and comptroller of the Navy, for the time being, are joined and added to ſuch of the Commiſſioners of Longitude appointed by the 12th Ann. as were ſurviving.

By an act for explaining and rendering more effectual the preceding acts, the preamble of the 3d Geo. III. after reciting all the preceding acts, and

" That the utility of the invention of the
" ſaid *John Harriſon* had been proved in a
" voyage to Jamaica, under the direction of
" the Commiſſioners of the Longitude and
" that by the trial made of the ſaid inſtrument



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" it had been found of conſiderable uſe to the " public, in conſequence of which the ſaid " commiſſioners made an order for the pay- " ment of 2500l. to the ſaid *John Harriſon*, " in manner therein mentioned, *viz.* 1500l. " part thereof, immediately, and the remaining " 1000l. when he, or any perſon employed by " him, ſhould return from making a further " trial in the Weſt Indies; that the ſaid *John* " *Harriſon* would not by any means decline " any further trial of the inſtrument or watch " which he had invented before the principles " ſhould be made public; but that in con- " ſequence of his then advanced age, the " weakneſs of his ſight, and the danger of the " voyage to the health and life of his ſon, upon " whom alone the ſucceſs of the ſaid invention " would depend; the ſaid commiſſioners had " recommended the ſaid *John Harriſon* to make " an application to Parliament, that the ſaid in- " vention might be made known to the public": It was enacted,

That upon a diſcovery by *John Harriſon* of the principles of his watch, and the method of conſtructing it, to the committee, and their publiſhing the ſame, and certifying ſuch diſcovery to the Commiſſioners of the Navy; they are to make out bills for 5000l. payable to him by the Treaſurer of the Navy. 3 Geo. 3 c. 14. 5000l. paid to John Harriſon.

Where the ſaid inſtrument appears to be proper for finding the longitude, within the limits of the 12th of Anne; and a majority of the Commiſſioners of the Longitude ſhall certify the ſame; bills are to be made out payable as aforeſaid, for the ſums granted by the ſaid act, deducting the ſums received. Sect. 2.



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3 Geo. 3. c. 14. s. 3. No perſon or perſons other than the ſaid *John Harriſon*, to have any reward under the 12th of Anne, for any inſtrument for keeping time till the merits of *Harriſon*'s watch be aſcertained.

The 5th of Geo. III. explaining and rendering more effectual the preceding acts, recites as follows:

"That upon a further trial of the afore mentioned watch, or time-keeper, a ſhip had ſailed from Portſmouth to Bridgetown, in Barbadoes, and by means of the ſaid time-keeper of *John Harriſon*, the ſaid ſhip did not loſe its longitude beyond TEN GEOGRAPHICAL MILES; and that the method of finding the longitude at ſea, within half a degree, or thirty geographical miles, by the ſaid watch, might be made generally practicable, and of general utility, if the principles upon which the ſaid watch or time-keeper was conſtructed were fully diſcovered and explained, and other time-keepers of the ſame kind made; but that doubts might ariſe whether from the words of the ſtatute of Anne the commiſſioners could direct the payment of the reward of 20,000l. to the ſaid *John Harriſon*, upon diſcovery of the principles of the ſaid watch or time-keeper: And that great progreſs had been made towards diſcovering the longitude at ſea, by a ſet of lunar tables, conſtructed by *Tobias Mayer*, deceaſed, late profeſſor at Goetingen in Germany, upon the principles of gravitation laid down by Sir ISAAC NEWTON; in the conſtruction of which tables he had been greatly aſſiſted from theorems furniſhed by Profeſſor EULER, of the univerſity of *Berlin*; which ſaid tables

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" were of conſiderable uſe to the public, and " might be further improved, and rendered of " more general utility; that the widow or " other repreſentatives of the ſaid Profeſſor " *Mayer*, within the intention of the ſaid act, " were deſerving of a public reward upon " aſſigning the property of the ſaid tables to " the commiſſioners for the uſe of the public; " and the ſaid Profeſſor *Euler* was alſo deſerv- " ing of an honorary and pecuniary reward for " his uſeful and ingenious labours towards the " diſcovery of the longitude; that it was neceſ- " ſary that the powers of the preceding acts of " Queen Anne and George II. ſhould be made " effectual, as well for receiving the diſcovery " and explanation of the principles of the ſaid " watch, or time-keeper, and for making trial " of others to be conſtructed in conſequence " thereof, and paying the reward to the ſaid " *John Harriſon*, and proper rewards to the " ſaid Profeſſor *Euler*, and to the widow and " repreſentatives of the ſaid Profeſſor *Mayer*, " and to ſuch perſon as ſhould improve the ſaid " tables of the Moon, and make the ſame of " more general utility, and alſo to ſuch perſons " as ſhall make other diſcoveries or improve- " ments uſeful to navigation:" Be it enacted,

That 10,000l. be paid as a preſent reward to Mr. *John Harriſon*, upon his diſcovering the principles of his time-keeper, and aſſigning the property of three of them and the watch for the public; and other 10,000l. to be paid when other time-keepers are made, and proved to be ſufficiently correct. 5 Geo. 3. 10,000l. paid to John Harriſon, &c.

The above diſcovery to be made within ſix months. Sect. 2.

Three hundred pounds to profeſſor *Euler*. Sect. 3.



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5 Geo. 3. Sect. 4. Three thouſand pounds to the widow of Profeſſor *Mayer*, upon aſſigning the property of his lateſt manuſcript Lunar Tables.

Sect. 5. Five thouſand pounds to be paid to any perſon who ſhall improve the ſaid tables, or make any diſcovery or improvement uſeful to navigation.

Sect. 6. The rewards of the preceding acts continued, and thoſe of this act to be certified by the Commiſſioners for the Longitude to the Commiſſioners of the Navy.

Sect. 7. Rewards exceeding 1000l. to be certified by the *majority* of the commiſſioners; if under 1000l. by *five*.

Sect. 8. Commiſſioners for the Longitude may adminiſter an oath.

Sect. 9. The Lowndes Profeſſor of Aſtronomy (a profeſſorſhip eſtabliſhed ſubſequent to the preceding act at Cambridge), for the time being, made a joint commiſſioner.

Sect 10. Commiſſioners to cauſe nautical almanacks and other uſeful tables to be conſtructed, and to print, publiſh, and vend the ſame.

Sect. 11. No perſon to print, publiſh, or vend ſuch tables or nautical almanacks, but ſuch as are licenſed by the ſaid commiſſioners, under penalty of 20l. for every copy.

By the 14th Geo. III. c. 66. all the preceding acts are repealed, except ſo much thereof as relates to the appointment and authority of the commiſſioners thereby conſtituted; and alſo ſuch clauſes as relate to the conſtructing, printing, publiſhing, vending, and licenſing of nautical almanacks; and other uſeful tables.

By the 30th of Geo. III. another commiſſioner is added. And,

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By the 36th of Geo. III. reciting the preceding acts, and,

"That the ſum of 5000l. granted to the "Commiſſioners for Diſcovery of the Longi- "tude, being expended; and that it was ex- "pedient to continue the ſame for the advan- "tage of trade and the honour of the king- "dom, the clauſes of the ſtatute of Anne were "re-enacted, *viz.*

That the Commiſſioners of Longitude ſhould certify the probability of ſucceſs of any propoſal for diſcovery of the longitude, &c. and the reward to the Commiſſioners of the Navy, who are to make a bill upon the Treaſurer of the Navy, &c. 36 Geo. 3. c. 107.

The ſums paid for the purpoſes of making ſuch experiments, and rewarding, in a leſſer degree, leſſer diſcoveries for finding the longitude at ſea, and alſo other diſcoveries and improvements uſeful to navigation, ſhall not altogether exceed the ſum of 5000l.; ſuch ſums to be certified, ſuch bills to be made out, and payments thereof to be made in the ſame manner, and under ſuch regulations and proviſions as by the 14th of Geo. III. are preſcribed with regard to the ſum of 5000l. by that act appropriated for the reward and encouragement of ſuch perſons who ſhould make leſſer diſcoveries for finding the longitude at ſea, or making other uſeful diſcoveries and improvements in navigation, and the better making of experiments relating thereto. Sect. 2. Sums not to exceed 5000l. and to be paid agreeably to 14 Geo 3. c. 66.

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## Manifeſt Act, including Bounties and Drawbacks.

THIS act was paſſed to check the various frauds practiſed upon the revenue relative to bounties and drawbacks; and its regulations, whether commercially or politically conſidered, are of high importance.—By the inſtrument which the maſter is to ſign, appropriately termed a *Manifeſt*, (containing the name, built of the ſhip, tonnage, port ſhe belongs to, account of her cargo, marks of packages, &c. &c.) it becomes almoſt impoſſible to deceive the officers of the cuſtoms; or, ſhould this be attempted by perſons ſufficiently hardy to incur the penalties of perjury (for the contents of the manifeſt are to be verified upon oath), from the variety of regulations contained in this act, and ſhaped to meet perhaps every poſſible evaſion, the offenders could not eventually fail to be detected and brought to juſtice.

Manifeſt, containingname and built of the ſhip, tonnage, port, &c. cargo, and packages. 26 Geo. 3. c. 40. ſ. 1.

No goods to be imported into Great Britain in Britiſh ſhips without a manifeſt, or content in writing, ſigned by the maſter, containing the name and built of the ſhip, her tonnage, the port to which ſhe belongs, and the port where ſhe took in cargo; the maſter's name, and an account of all the cargo, the different packages, marks, and numbers, with the particulars of what is ſtowed looſe, in words at length.

No wines to be imported without a manifeſt, diſtinguiſhing the quantities, to whom conſigned, &c. &c. Sect. 2.

No wines ſhall be imported without a manifeſt, diſtinguiſhing the quantity of each different kind, marks, packages, &c. &c. with the names of the perſons to whom conſigned. Goods required to be accompanied with certificates to have the ſaid manifeſt likewiſe, and on failure the goods ſhall continue to be liable

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to all the duties and fines to which they are subject by law. 26 Geo. 3. c. 49.

Ships belonging to Great Britain, and clearing out from any foreign parts for Great Britain, the master shall deliver the manifest to the collector of the customs, or principal officer there, who is to make a duplicate, and indorse on the original his name, and the date on which it was presented to him, returning the original manifest to the master. Manifest to be delivered to the collector of the customs. Sect. 3.

No wine shall be admitted to an entry in Great Britain, unless the master importing the same verifies, upon oath, the truth, &c. of the contents of the manifest, before the British consul, or other British officer residing at the port of lading. Contents of the manifest to be verified upon oath. Sect. 4.

Goods or wine imported in British ships without such manifest, or not verified upon oath, the master shall forfeit double the value, together with the full duties payable for the same. Penalty upon goods imported without manifest. Sect. 5.

Masters of ships arriving within four leagues of the coast, or arriving at the port, to produce a copy of such manifest on demand to any custom-house officer first coming on board, who shall certify on the back of the original the date on which it was produced to him. Copy of manifest to be produced to the officer of the customs. Sect. 6.

Masters not producing such manifest on demand, or giving a false account of the destination of the ship, in order to avoid the same, shall forfeit double the value of the goods, with the full duties; and officers refusing to certify the production of the manifest shall forfeit 100l. Penalties. Sect. 7.

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26 Geo. 3. c. 40. Penalty of breaking bulk before arrival at the port of delivery. Sect. 8.

Ships breaking bulk, or unlading any part of their cargo, within the limits of any port, or within four leagues of the coaſt, before their arrival at the proper port of delivery, the maſter and mate ſhall reſpectively forfeit 200l. except in caſes of diſtreſs, or unavoidable accident, of which notice to be given to the collector of the next port, and the maſter, with two or more mariners, to make proof upon oath before ſuch collector.

Packages ſtowed in the cabin or ſteerage to be marked by the officer of the cuſtoms. Sect. 9.

Upon the arrival of any ſhip at the port of delivery, and the officer who firſt boards her finding any goods which are unavoidably ſtowed in the cabin, ſteerage, or any other place out of the main hold, he ſhall mark or ſeal ſuch packages as ſhall be directed by the commiſſioners of the cuſtoms, which are not to be altered or broken till the goods are landed.

Penalty on altering marks. Sect. 10.

The maſter or crew of ſuch ſhip altering the marks, or breaking ſuch ſeals, ſhall for each offence forfeit 200l.

Maſter to make entries within twenty-four hours after arrival in port, &c. Neglecting to deliver the manifeſt ſhall forfeit 200l. Sect. 11.

Within twenty-four hours after a ſhip's arrival in port, the maſter is to make entry upon oath of the built, burthen, contents, and lading, marks, numbers, &c. as directed by 13 and 14 Car. II. entitled, "*An Act for preventing Frauds, and regulating Abuſes in the Cuſtoms*," under penalty of 100l.; and the ſaid maſter, at the time of making ſuch entry, neglecting to deliver the manifeſt, ſhall forfeit 200l.

Penalties upon cargo varying from manifeſt. Sect. 12.

Any packages whatever, reported by the maſter, not being found on board the ſhip, or the goods reported not agreeing with the manifeſt, or if either the report or manifeſt ſhall not agree with the cargo, the maſter to forfeit

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200l. Goods imported without manifeſts, or not agreeing therewith, and it appearing to the commiſſioners of the cuſtoms that the cargo was ſhipped in foreign parts, and no part of it unloaded ſince taken on board, and that the manifeſt has been loſt or miſlaid without fraud, &c. or defaced by accident, or incorrect by miſtake, the forfeitures ſhall not be incurred. Goods taken in from neceſſity after the manifeſt is atteſted in manner before directed, the maſter to get a ſeparate manifeſt of ſuch goods made out: in ſuch caſe the penalties ſhall not be incurred, provided the urgent neceſſity of taking ſuch goods on board is obvious and ſatisfactory to the commiſſioners.

26 Geo 3. c. 40. In what caſes penalties not to be incurred. Sect. 12.

After the arrival of ſuch ſhip within the limits of any port, or four leagues of the coaſt, with goods ſo taken on board, or after the firſt production of the manifeſt (whether the goods are inſerted or not), and they ſhall be thrown overboard, ſtaved, or in any manner deſtroyed (except by unavoidable neceſſity, proof of which ſhall be made to the ſatisfaction of the commiſſioner), the maſter to forfeit 200l.

Penalty upon goods thrown overboard or ſtaved. Sect. 13.

Every proprietor of goods imported into Great Britain, to make a due entry of the ſame within twenty days after the maſter has made his report at the cuſtom-houſe, and pay the full duties; and if not paid within three months, the goods are to be ſold; but not to extend to the ſelling of goods entered and warehouſed on board, on ſecurity being given for the duties due thereon.

Proprietors of goods imported to make an entry thereof within twenty days. Sect. 14.

No officer of the cuſtoms to permit any ſhip to be cleared out for foreign parts till the maſter and mate have given ſecurity by bond

Maſters of ſhips to give bond that they will not fraudulently import or land goods. Sect. 15.

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26 Geo. 3. c. 40. in 200l. with condition that they will not fraudulently import or land goods, &c. or till the master has produced a certificate from the collector of some other port, that such security has been before given.

Quantities and qualities of goods to be verified by the master. Sect. 16.

No drawback, bounty, &c. shall be allowed if the goods are in bales, press-packed, unless the different quantities and qualities shall be verified by the master, packer, or foreman, in the following manner, viz. if the goods are packed within ten miles of the port, then by oath made upon the entry or cocquet before the collector, &c.; and if packed at a greater distance, then on the like oath before some justice of the peace for the county where the packer resides.

Cocquets to be delivered to officer of the customs, under penalty of 100l. Sect. 17.

Masters of ships having goods for exportation shall, upon demand, deliver the cocquets to officers of the customs, either within the limits of any port or within four leagues of the coast, under penalty of 100l.; and such officers, finding any goods on board not corresponding with the cocquets, are to seize the same, which shall be forfeited; or not finding goods on board that are in the cocquet, the master to forfeit 20l. for every packet not found.

Entries to be made in the names of the proprietors before any bounty or drawback is to be obtained. Sect. 18.

No entry shall pass, nor any debenture be made out, on goods entitled to drawback or bounty upon exportation, but in the name of the real proprietors, if resident in Great Britain, who shall, before receipt of the drawback or bounty, verify by oath, that they are the real proprietors of such goods, which are really exported to foreign parts, and have not been re-landed in Great Britain. Not to extend to prevent agents of corporations or companies from making oath to entitle such corpo-

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ration to any drawback on exportation of goods, nor the proprietors of any lands in the Britiſh plantations, &c. nor the agent of any perſon reſiding upwards of twenty miles from the port, provided that ſuch agent teſtify upon oath the names of the real proprietors, with their place of abode, and, if required, give good and ſufficient reaſon for his knowledge of the place to which the goods are to be exported. 26 Geo. 3. c. 40.

From the 29th of September 1786 no bounty ſhall be paid for goods exported to Ireland, and no drawback ſhall be allowed for goods exported to Ireland, Guernſey, and Jerſey, until a certificate ſhall be produced from the collector of the cuſtoms of thoſe places, that ſuch goods have been landed at thoſe places. No bounty or drawback upon goods exported without certificate from collector that ſuch goods were landed. Sect. 19.

No goods, entitled to either drawback, bounty, or premium, ſhall be put on board any ſhip or veſſel for exportation by any perſons except ſuch as ſhall have licenſe from the commiſſioners, for the actual delivery of the whole of the goods, to the officers of the revenue ſtationed on board, who are to give full information to the maſter in writing, for the better enabling him to give notice as required by this act previous to his clearing out. No goods to be put on board, except by perſons licenſed. Sect. 20.

The commiſſioners of the cuſtoms to grant ſuch licenſe to every perſon who is by law entitled to put ſuch goods on board, and who ſhall give ſuch ſecurity as ſhall be deemed neceſſary, and to no other perſon whatever. Commiſſioners of the cuſtoms to grant licenſes, &c. Sect. 21.

The maſter of any ſhip or veſſel from foreign parts is not to paſs the uſual places without *bringing to*, and receiving the revenue officers on board; or, being outward bound, ſhall not preſume to paſs without *bringing to*, and ſetting the officers on ſhore, unleſs by diſtreſs of Maſters of ſhips to receive and put aſhore officers of the cuſtoms. Sect. 22.

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3 Geo. 3. c. 40. weather, or other accident, to be made appear to the commiſſioners. Forfeiture for every offence 100l.

Officers authoriſed to examine ſhips may break open locks, &c. Sect. 23.

All officers authoriſed to examine ſhips or goods, to have free acceſs to the cabin, and every other part of the ſhip, and finding any place locked, or any cheſt, box, &c. of which the keys are not produced, and not opened to them, on their requiring the ſame of the maſter, they are (if a degree ſuperior to tideſmen or watermen) authoriſed to open the ſame, in the beſt manner they can, and are hereby indemnified for ſo doing; and, if tideſmen or watermen, they are to ſend for their ſuperior officer.

No goods from beyond the Cape of Good Hope to be brought to London or Weſtminſter without certificate from the collector of the cuſtoms that the duties have been paid. Sect. 24.

No goods of the growth, produce, or manufacture of countries beyond the Cape of Good Hope, ſhall be brought to London or Weſtminſter, either by land or water, without a certificate from the collector of the cuſtoms in London, certifying that the duties have been paid on importation, or that they have been compounded for, or condemned, which ſhall be verified by the oath of the proprietor, referring to the time when ſuch goods were entered, &c. under forfeiture of goods, boats, carts, horſes, &c. &c. uſed in the tranſporting or conveying ſuch goods.

Penalties.

Sect. 25.

In caſe of any diſpute touching the place to which ſuch goods were removing, the proof of removal to be on the claimer of the goods, not the officer.

In what caſe not to be forfeited. Sect. 26.

But if it ſhall appear to the commiſſioners, that the goods ſo found removing were brought in a lawful and open way of trade, or are the property of private perſons, and have been uſed as domeſtic furniture, they ſhall not be forfeited.

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Commanders of king's ſhips, or any commiſſioned, warrant, or petty officer, ſpecially authoriſed, may ſeize any ſhip, goods, &c. without deputation from the commiſſioners of the cuſtoms, which ſhall be ſubject to forfeiture; provided ſuch commander, &c. bring the ſeizure to his Majeſty's warehouſe at the neareſt cuſtom houſe, and there depoſit the ſame, in cuſtody of the proper officers, and ſhall conform to all the rules to which officers of the cuſtoms are ſubject on ſuch occaſions.

3 Geo. 3 c. 40. Commanders of king's ſhips, commiſſioned, warrant, or petty officers, ſpecially authoriſed, may ſeize ſhips, goods, &c. ſubject to forfeiture. Sect. 27.

Perſons, examined as witneſſes, to deliver their teſtimony upon oath, to be adminiſtered by the ſurveyor-general, who ſhall examine them.

Witneſſes to be examined on oath. Sect. 28.

Perſons making a falſe oath, or giving falſe evidence, to be deemed guilty of perjury.

Sect. 29.

The remaining ſections of this act, viz, 30, 31, 32, and 33, relate to the mode of proſecution for the penalties incurred by this act.



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## Mediterranean Paſſes.

THE following ſhort act appears in the ſtatutes of the Admiralty relative to the counterfeiting, altering, forging, &c. Mediterranean or other paſſes.

4 Geo. 2. c. 18. ſ. 1. Perſons counterfeiting, altering, or forging Mediterranean paſſes, to ſuffer death without benefit of clergy.

If any perſon or perſons, in his Majeſty's dominions, or without, ſhall falſely make, forge, or counterfeit, or cauſe to be falſely made, forged, or counterfeited, any paſs or paſſes for any ſhip, called a Mediterranean paſs—or ſhall alter or eraſe, any true and authentic paſs, iſſued or made out by the Lord High Admiral of Great Britain and Ireland, or the commiſſioners for executing the ſaid office, or ſhall utter or publiſh as true any ſuch falſe or forged, altered or eraſed paſs, every ſuch perſon ſhall be adjudged guilty of felony, and ſhall ſuffer death, as in caſes of felony, without benefit of clergy.

Offences againſt this act may be tried in any county in Great Britain. Sect. 2.

All crimes and offences before mentioned, which ſhall be committed in any country or place out of Great Britain, either within the dominions of his Majeſty, or, without, ſhall and may be tried, heard, determined, and adjudged in any ſhire or county of Great Britain by virtue of the king's commiſſion of *oyer* and *terminer* and gaol delivery, or before any court of juſticiary in Scotland, in the ſame manner as if ſuch offence were committed within the ſame county or ſhire where ſuch offender ſhall be tried.

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## Navigation, and Plantations.

THE preſent flouriſhing condition of our marine, is in a great meaſure owing to the ſalutary regulations of the Navigation and Plantation Acts; the rudiments of which were firſt framed during the government of the Long Parliament. Prior to that period we find only one ſtatute during the reign of Richard the Second *, which had for its leading features the increaſe of ſhipping, and the augmentation of our navy: but by a ſubſequent ſtatute in the ſame reign † the regulations and proviſions thereby made were enervated. At the period the Commonwealth Parliament framed the Navigation Act, there prevailed ſentiments of animoſity againſt the Dutch, jealouſy againſt ſome of our colonies diſaffected to the Parliament, and other political conſiderations; all of theſe ultimately tended to eſtabliſh ſome commercial regulations in this act, which now appear to have been dictated by the ſoundeſt policy and moſt deliberate wiſdom. The firſt outlines of this act, framed in 1650 by the Commonwealth Parliament, prohibited all ſhips of foreign nations from trading with any Engliſh plantations, without licenſe from the council of ſtate ‡. In the following year the prohibition was extended likewiſe to the mother-country, and no goods were ſuffered to be imported into England, or any of its dependencies, in any other than Engliſh bottoms, or in the ſhips of that European nation, of which the merchandize imported was the genuine growth or manufacture §. At the Reſtoration the former proviſions and regulations were continued with ſundry important improvements ‖, which have been further enforced and rendered more effectual by ſtatutes in the reign of his preſent

* 5 Rich. 2. c. 3.
† 6 Rich. 2. c. 8.
‡ Modern Un. Hiſt. XII. 289.
§ Scobell. 176.
‖ 12 Car. 2. c. 18. 13 Car. 2. ſt. 1. c. 14. 22 & 23 C. 2 c. 22. & 26.



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Majeſty *. Prior to theſe regulations the greater part of the trade of our colonies had been monopolized by the Dutch, who by reaſon of the low intereſt of money in Holland, the magnitude of their ſtock, the number of their ſhips, and the reaſonableneſs of their import and export duties, could afford to buy at the deareſt, and ſell at the cheapeſt rate. Thus they ſeized upon the profits of a variety of productions which they had neither planted nor gathered †. The Navigation Act remedied theſe evils, by excluding all foreign ſhips from entering the harbours of the Engliſh colonies, which conſequently obliged their principal produce to be exported directly to the countries under the dominion of England. The Government, though aware of the inconveniences of ſuch an excluſion, was not alarmed at it; but, conſidered the empire only as a tree, whoſe ſap muſt be turned back to the trunk, when it flows too freely to ſome of the branches. The Act of Navigation very properly aims, principally, at giving the ſailors and ſhipping of Great Britain the monopoly of the trade of their own country, in ſome caſes by abſolute prohibition, and in others by heavy duties upon the ſhipping of foreign countries. Its leading features chiefly are:

1ſt. Prohibiting all ſhips, of which the owners, maſters, and three-fourths of the mariners are not Britiſh ſubjects, from trading to the Britiſh ſettlements and plantations, or being employed in the coaſting trade of Great Britain.

2d. Allowing a great variety of the moſt bulky articles to be imported, either in ſuch ſhips above mentioned, or in ſhips of the country where thoſe goods are produced, and of which the maſters, and three-fourths of the mariners are of that particular country: but in ſuch latter caſe, they are ſubject to double Aliens' Duty. And if ſuch goods or commodities are imported in ſhips of any other country, the penalty is forfeiture of the ſhip and goods.

* 26 Geo. 3. c 60. and 27 Geo. 3. c. 19. Vide Abr. of Sections of theſe Acts.
† Raynal's Philo. and Pol. Hiſtory, Vol. IV. p. 311.

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3d. A great variety of the moſt bulky articles of importation, ſuch as maſts, timber, boards, foreign ſalt, pitch, tar, roſin, hemp, &c. are prohibited from being imported, even in Britiſh ſhips, from any country but that of which they are the growth and production, under pain of forfeiting ſhip and cargo *.

4th. Any ſort of ling, ſtockfiſh, pilchards, or any other kind of dried or ſalted fiſh, uſually fiſhed for, and caught by the people of England; or any whale-fins, whale-bones, oil, and blubber, not having been caught by and cured, ſaved, and dried, on board Britiſh veſſels, when imported into Great Britain, are ſubjected to double Aliens' Duty.

From hence it is obvious, that the regulations of this act did moſt effectually exclude the Dutch from being carriers of goods to Great Britain, as well as importing to us the goods of any other European country. That they likewiſe clipped a conſiderable branch of the Dutch opulence, by excluding Britiſh ſhips from loading in Holland the goods of any other European country, Holland being at that time the great emporium for all European goods. And theſe regulations likewiſe affected moſt eſſentially their reſources, in ſupplying foreign nations with fiſh, as being at that time the only fiſhing ſtate in Europe.

The Act of Navigation, however, a learned writer obſerves †, "is not favourable to foreign commerce, or to "the growth of that opulence which can ariſe from it. "The intereſt of a nation in its commercial relations to "foreign nations, is like that of a merchant with regard "to the different people with whom he deals, to buy as "cheap, and to ſell as dear as poſſible: but it will be moſt "likely to buy cheap, when by the moſt perfect free-"dom of trade, it encourages all nations to bring to it, "the goods which it has occaſion to purchaſe; and for

* But ſee Note, page 328. † Smith's Wealth of Nations, Vol. II. p. 195.



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" the ſame reaſon, it will be moſt likely to ſell dear when " its markets are thus filled with the greateſt numbers of " buyers. The Act of Navigation, it is true, lays no " burden upon foreign ſhips that come to export the pro- " duce of Britiſh induſtry. Even the ancient Aliens' Duty, " which uſed to be paid upon all goods exported, as well " as imported, has by ſeveral ſubſequent acts been taken " off from the greater part of the articles of exportation. " But, if foreigners, either by prohibitions or high duties, " are hindered from coming to ſell, they cannot always " afford to come to buy; becauſe, coming without a " cargo, they muſt loſe the freight from their own country " to Great Britain. By diminiſhing the number of ſellers, " therefore, we neceſſarily diminiſh that of buyers, and " are thus likely, not only to buy foreign goods dearer, " but to ſell our own cheaper, than if there was a more " perfect freedom of trade." But as the defence and ſafety of Great Britain depends much upon the number of its ſailors and ſhipping, and which is an object of much greater importance than the opulence which might be naturally derived from an unlimited trade to the colonies; the Acts of Navigation, in this view of them, upon a due conſideration of their abſolute and relative advantages and diſadvantages, will be found, perhaps, to contain the wiſeſt of all the commercial regulations of Great Britain.

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With a view of augmenting the navy of England, then greatly diminiſhed, It was enacted,

5 Rich. 2. c. 3. That none of the king's liege people ſhould ſhip any merchandize, out of or into the realm, but only in ſhips of the king's ligeance, on pain of forfeiture.

6. Rich. c. 8. Merchants were only obliged to give Engliſh ſhips (if able and ſufficient) the preference in ſhipping of goods or merchandize out of or into the realm.



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No goods or commodities whatſoever ſhall be imported into, or exported out of, any of the Engliſh plantations or territories in *Aſia*, *Africa*, or *America*, in any other ſhips or veſſels, but ſuch as do truly belong to the people of England, Ireland, dominion of Wales, or town of Berwick-upon-Tweed, and to be navigated with a maſter, and at leaſt three-fourths of the mariners Engliſh, under the penalty of forfeiting ſhip and cargo *.

12 Car. 2. c 18. ſ. 1. No goods to be exported or imported, unleſs in veſſels truly belonging to the people of England, and navigated with a maſter and 3-4ths of the mariners Engliſh.

No alien or perſon born out of the allegiance of his Majeſty, who is not naturalized, or made a free denizen, ſhall act as a merchant or factor in any of the plantations, upon pain of the forfeiture and loſs of all his goods and chattels †.

No perſon not naturalized, to act as a merchant or factor in any of the plantations. Sect. 2.

Governors of plantations to take oaths for the obſervance of the Navigation Act.

No goods or commodities whatever, of the growth, production, or manufacture of *Africa*, *Aſia*, or *America*, ſhall be imported into England, Ireland, Wales, iſlands of Guernſey and Jerſey, or town of Berwick-upon-Tweed, in any other ſhips or veſſels but ſuch as do truly and without fraud belong to the ſaid iſlands, plantations, or territories, and whereof the maſter and three-fourths at leaſt of the mariners are Engliſh, under the penalty of forfeiting ſhip and cargo.

No goods, the produce of Africa, Aſia, or America, to be imported into the Britiſh dominions, unleſs 3-4ths of the mariners are Engliſh. Sect. 3.

No goods or commodities of a foreign growth or manufacture, which are to be

Sect. 4.

* By the 34th Geo. 3. c. 42. ſ. 6. aliens, not naturalized nor made denizens, who ſhall reſide in any iſland or place which has, or may hereafter, ſurrender and be in his Majeſty's poſſeſſion, in the Weſt Indies, and who ſhall have taken the oath of fidelity and allegiance, may exerciſe the trade and occupation of a merchant or factor in any ſuch iſland or place.

† But ſee 33 and 37 Geo. 3. c. 26. and 117.



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brought into England, Ireland, &c. in ſhips belonging to his Majeſty's ſubjects as aforeſaid, ſhall be ſhipped or brought from any other places, but from the places of their manufacture and growth *, upon forfeiture of ſhip and goods †.

11 Car 2. c. 18. ſ. 5. Fiſh imported in foreign bottoms to pay double aliens' duty.

Any ſort of ling, ſtockfiſh, pilchards, cod, herrings or any other kind of dried or ſalted fiſh ‡, or any fiſh, oil, blubber, whale-fins, or whale-bones ‖, imported in foreign ſhips, ſhall pay double aliens cuſtoms.

No veſſel to carry goods from one Britiſh port to another, unleſs navigated by 3-4ths of Engliſh ſailors. Sect. 6.

No veſſel, in which any ſtranger (not denizened or naturalized) is an owner, or that is navigated by a maſter and three-fourths Engliſh ſailors, ſhall carry goods or commodities from one port of Great Britain, &c. to another, under the forfeiture of ſhip and cargo.

* See an Act paſſed in the laſt ſeſſion, (39 Geo. 3. c. 57.) entitled, "An Act for indemnifying Governors of the Weſt India Iſlands, who "have permitted the Importation and Exportation of Goods and Com-"modities in Foreign Bottoms."—See alſo the 39 Geo. 3. c. 95. relative to American produce—the 39 Geo. 3. c. 97. allowing the importation of Spaniſh wool, in ſhips belonging to countries in amity with his Majeſty—the 39 Geo. 3. c. 113. permitting the importation of naval ſtores from Hamburgh and other ports in Germany; and an Act to enable his Majeſty, by an order in council, to permit, until ſix weeks after the commencement of the next ſeſſion of parliament, ſuch goods as ſhall be ſpecified in ſuch order, to be imported into this kingdom in neutral ſhips.

† But by 2 W. and M. ſeſſ. 1. c. 9. *thrown fiſh*, the produce of Turkey, Perſia, Eaſt Indies, China, or any other country except Italy, Sicily, or Naples, is prohibited from being imported; and by 7 Anne, c. 8. ſ. 12. *Jeſuit's bark, ſarſaparilla*, and *balſam of Tolu* and *Peru*, and all other *American drugs*, may be imported from any of the American plantations, though not the place of their growth. 1 Geo. 1. ſt. 2. c. 18. ſ. 10.

‡ Fiſh, except ſtock-fiſh, live eels, anchovies, ſturgeon, botargo, or caveat, foreign taken, and imported in foreign ſhips, forfeited, and the ſhip, 10 & 11 W. 3. c. 24. ſ. 13. 14.—Lobſters and turbots may be imported by foreigners. 1 Geo. 1. ſt. 2. c. 18. ſ. 10.

‖ Foreigners, reſident in England, may, during their reſidence, trade to Greenland, Newfoundland, &c. and import oil, blubber, and fins, free of duty. 25 Geo. 2.

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Where any caſe, abatement, or privilege is given in the book of rates, to goods or commodities imported or exported in Britiſh built ſhipping, it is always to be underſtood that ſuch ſhips are to be navigated with a maſter and three-fourths of the ſailors Engliſh; and the true meaning in ſuch caſes is, that they be ſuch during the whole voyage, unleſs in caſe of ſickneſs, death, or being taken priſoners, to be proved by the maſter or other chief officer of ſuch ſhip,

12 Car. 2. c. 18. ſ. 7. Ships to be entitled to privileges, &c. muſt be navigated during the whole of the voyage by a maſter and 3-4ths of the ſailors Engliſh.

No goods or commodities of the growth, production, or manufacture of Muſcovy or Ruſſia, or any ſort of maſts, timber, or boards, foreign ſalt, pitch, tar, roſin, hemp or flax, raiſins, figs, prunes, olive oils, nor any ſort of corn or grain, ſugar, pot-aſhes, wines, vinegar, or ſpirits, ſhall be imported into Great Britain in any ſhips except Britiſh, and navigated as before-mentioned; and no currants, nor any other commodities, of the growth or manufacture of Turkey, ſhall be imported but in Britiſh built ſhips, except only ſuch foreign ſhips as are of the built of that country or place of which the ſaid goods are the growth or manufacture, or of ſuch port where ſuch goods are uſually ſhipped, and whereof the maſter and at leaſt three-fourths of the ſeamen are of the ſaid country or place, under forfeiture of ſhip and goods *.

No goods, the produce of Ruſſia, to be imported but in Britiſh ſhips, navigated as aforeſaid; nor any produce of Turkey, except ſuch foreign ſhips as are of the built of the country of which the ſaid goods are the growth or manufacture, and whereof the maſter and 3 4ths of the ſeamen are of the ſaid country, under forfeiture of ſhip and goods. Sect. 8.

* By 37 Geo. 3. c. 84. this clauſe has been thus modified, to continue till three months from the concluſion of the preſent war, viz. Perſons who are free of the Turkey Company may import goods which have been heretofore imported from Turkey, Egypt, &c. or any of the dominions of the Grand Seignior within the Levant Seas from *any place* whatſoever; and goods which have heretofore been uſually imported from places within the Straits of Gibraltar, (except the goods mentioned in the preceding paragraph from the Grand Seignior's dominions,) may be imported by any perſons whatſoever, in ſhips either Britiſh built, or belonging to any ſtate in amity with Great Britain.



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12 Car. 2. c. 18. s. 9. Wines, the growth of France, and Germany, and Spain, Portugal, or Madeira, &c. currants and Turkey commodities, imported in other than British ships, so navigated, to be deemed aliens' goods, and pay accordingly.

In order to prevent the frauds daily used in colouring and concealing of aliens' goods, all wines of the growth of France or Germany, imported into any part of Great Britain in any other but British ships, and navigated with British mariners, shall be deemed aliens' goods, and pay customs accordingly. And all sorts of masts, timber, &c. as also foreign salt, pitch, tar, &c. &c. wines of the growth of Spain, the Canaries, Portugal, Madeira, or Western Islands, and all goods of the growth and manufacture of Muscovy, imported into Great Britain, in other than British ships, and so navigated, and all currants and Turkey commodities, shall be deemed aliens' goods, and pay accordingly.

The regulations contained in the 10th and 11th sections of this act, relative to the purchasing of foreign ships, and the requisites for their being deemed English ships, have been repealed by the 26th Geo. III. c. 60.

How far the importation of commodities from the Straits or the Levant, shall be exempt from this act. Sect. 12.

Nothing in this act shall extend to restrain or prohibit the importation of any of the commodities of the Straits or Levant Seas, in English ships, whereof the master and at least three-fourths of the mariners are English, from the usual ports or places, for lading of them heretofore, though the commodities be not of the growth of such places.

Not to extend to East India commodities. Sect. 15.

This act not to extend to restrain the importation of any East India commodities *, in English ships navigated as aforesaid, from the usual places for lading them, in any part of those seas, to the southward and eastward of

* In part repealed, so far as it extends to the importation of raw silk and Mohair yarn, the production of Asia. 6 Geo. 1. c. 14.

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the Cape of Good Hope, although the ſaid ports be not the very places of their growth. 12 Car. 2. c. 18.

Britiſh ſubjects may import in Britiſh built ſhips, navigated by a maſter and three-fourths Engliſh ſeamen, all ſorts of goods and commodities of the growth or manufacture of Spain *, Portugal, the Azores, Madeira, or Canary iſlands. Sect. 14.

This act not to extend to bullion, nor yet to any goods taken, or that ſhall be *bona fide* taken, by way of repriſal by any Engliſh ſhip navigated as before mentioned, and having a commiſſion from his majeſty. Bullion and prize goods not within this act. Sect. 15.

This act not to extend to impoſe any aliens' duty upon any corn of the growth of Scotland †, or any ſalt made there, or any fiſh caught and cured by the people of that kingdom, and imported thither directly in Scotch built veſſels, whereof the maſter and three-fourths of the mariners are his Majeſty's ſubjects; nor to any ſeal oil of Ruſſia, imported thence into England, Ireland, &c. in ſhipping thereunto belonging, and navigated as above-mentioned. Every veſſel belonging to any French ſubject, which ſhall come into England, Ireland, &c. and there load and unload goods, or take in or ſend on ſhore any paſſengers, ſhall pay to the collector of the cuſtoms in ſuch port for every ton of the ſhip's burthen, to be computed by the officer thereunto appointed, the ſum of 5s. and no ſuch ſhip to be ſuffered to depart out of ſuch port, &c. until the ſaid duty be fully paid ‡. No aliens' duty upon corn, ſalt, or fiſh, imported into Scotland. Sect. 16.

* By the 6th Anne, c. 33 made perpetual by the 12th Anne, ſt. 1. c. 18. ſ. 3. cochineal may be brought from Spain in any ſhips in amity.

† Scotch ſhips and ſubjects, by the Act of Union, are accounted Britiſh 5 Anne, c. 8.

‡ By the 11th Article of the Treaty of Utrecht, 31ſt March, 1713.

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12 Car. 2. c. 18. Produce of Engliſh plantations abroad to be conveyed directly to other Engliſh plantations or to Great Britain, Ireland, &c. Sect. 18.

No ſugars, tobacco, cotton, wool, indigo, ginger, fuſtick or other dying wood, of the growth or manufacture of any Engliſh plantations in America, Aſia, or Africa, ſhall be carried from any of theſe places to any place whatſoever except to other Engliſh plantations, or to Great Britain, Ireland, &c. under forfeiture of ſhip and goods *.

23 Car. 2. c. 26. f. 11. 3 & 4 Anne, c. 5. f. 12. 8 Geo. 1. c. 18. f. 22. Bonds to be given to the officers of the cuſtoms, that goods brought from the Britiſh plantations ſhall be conveyed to other plantations, or to ſome port of Great Britain. Officers of the cuſtoms abroad to return bonds annually to cuſtom houſe at home.

And for every ſhip which ſhall ſet out from England, Ireland, &c. for any Engliſh plantation, ſufficient bond ſhall be given, with one ſurety, to the chief officers of the cuſtoms of the port from whence ſhe ſails, to the value of 1000l. if the ſhip is of leſs burthen than one hundred tons, and 2000l. if greater burthen; that in caſe the ſhip ſhall load any of the ſaid commodities at any of the Engliſh plantations, they ſhall be brought by the ſaid ſhip to ſome port in Great Britain, to be there unloaded, the danger of the ſeas only excepted. And all ſhips coming from any other port or place to the plantations, which by this act are permitted to trade there, that the governor of ſuch plantation ſhall, before the ſhip be permitted to load any of the commodities, take bond in the manner and value aforeſaid, that ſuch ſhip ſhall carry the goods to ſome other Engliſh plantation, or to England, Ireland, &c.; and that every ſhip which ſhall load any of the aforeſaid goods, until ſuch bond be given to the governor, or certificate produced from the officers of any cuſtom-houſe in England, &c. that ſuch bonds have been there duly given, ſhall be forfeited; and the ſaid governor ſhall, twice in every year, return true copies of all ſuch bonds to the chief officer of the cuſtoms in London.

* Not extended to Ireland. Extended to rice and moluſſes; and to coal, per ore.

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The preceding sections of this act are confirmed by 13 Car. II. st. 1. c. 14. 12 Car. 2. c. 18. s. 9.

The word Ireland is directed to be left out of the bonds mentioned in the preceding section. 22 & 23 Car. 2. c. 26. s. 11.

The governors of plantations, &c. are directed to return true copies of bonds to the chief officer of the customs in London once every year. Sect. 12.

Foreigners resident in England may, during their residence, trade to Greenland, Newfoundland, &c. and import oil, blubber, and whale fins, free of duty *. 25 Car. 2. c. 7. s. 3.

Any ship or vessel which by law may trade to the British plantations, taking in goods in any of them without first giving bond that such goods shall be brought to Great Britain, and no other place, the goods so put on board shall be liable to the following duties, viz. *white sugar the hundred weight, containing one hundred and twelve pounds, 5s. and brown sugar 1s. 6d. the hundred weight; tobacco 1d. per pound; cotton wool ½d. the pound; indigo 2d. per pound: ginger 1s. the hundred weight; logwood 5l. per hundred weight; fustick, and all other dying wood, 6d. per hundred weight; and cocoa nuts 1d. per pound*; to be levied, collected, and paid at such places, to the collectors and other officers appointed in the plantations to receive the same, before the lading thereof, and under such penalties, both to officers and goods, as for non-payment, or defrauding his majesty of his customs in England.

Duties payable upon white and brown sugars, tobacco, cotton wool, indigo, ginger, logwood, fustick, and cocoa nuts, imported from the British plantations without giving bonds that such goods shall be directly imported to Great Britain. Sect. 2.

Goods not to be imported or exported to or from the plantations but in ships built in Eng-

No goods to be imported or exported from the English, except

plantations but in British ships, navigated by master and three-fourths prizes, &c. under penalty of forfeiture. 7 & 8 Will. 3. c. 2. s. 2, 3.

* Extended to all other goods by 6 Geo. 3. c. 52. s. 30.

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7 & 8 Will. 3. c. 2. f. 2, 3.

land, Ireland, or the plantations, owned by Britiſh ſubjects, and having the maſter and three-fourths of the crew of the ſaid places (except prizes navigated in the ſame manner), under forfeiture of ſhip and goods, one-third to the king, one-third to the governor, and the other to the informer.

Ships coming into or going out of the plantations liable to the ſame regulation as in England, and officers of the cuſtoms have the ſame authority to ſearch and ſeize, &c. Obſtructing officers liable to the ſame penalties as in England. 7 & 8 Will. 3. c. 22. ſ. 26.

All ſhips coming into or going out of the plantations are liable to the ſame rules, viſitations, ſearches, penalties, and forfeitures, as ſhips in England, &c.; and the officers of the revenue there ſhall have the ſame power and authority to ſearch ſhips, take their entries, and to ſeize prohibited goods, as officers of the cuſtoms in England. Wharfingers, owners of keys and wharfs, or any lighterman, bargemen, watermen, porters, or other perſons, conveying or concealing any prohibited goods, or reſcuing them, or hindering or reſiſting any officers in their duty, ſhall be ſubject to the like penalties as are provided in relation to prohibited and uncuſtomed goods in this kingdom, and the like aſſiſtance ſhall be given to the officers in execution of their duty as provided by 23 and 24 Car. 2. c. 22.; and the officers ſubject to the ſame penalties for any corruption, fraud, connivance, &c. as the officers of the cuſtoms in England.

Goods not to be ſhipped, although duties paid, until the ſecurity required by 12 Car. 2. c. 18. and 22 & 23 c. 26. under penalty of forfeiture. Sect. 8.

Though the duties are paid in the plantations for goods, yet they ſhall not be ſhipped until ſecurity be given as required by 12 Car. 2. c. 18. and 22 and 23 Car. 2. c. 26. that the goods ſhall be carried to England, or to ſome other Britiſh plantation, under forfeiture of ſhip and goods.

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All laws, bye-laws, &c. in the plantations, which are in any ways repugnant to this preſent act, ſo far as they relate to the plantations, are null and void.

Bye-laws in the plantations repugnant to this act are null and void. 7 & 8 Will 3. c. 22. ſ. 9.

In caſes where the governor, or officers appointed by the commiſſioners of the cuſtoms in the plantations, ſhall have reaſonable ground to ſuſpect that the certificates of having given ſecurity in England are falſe or counterfeit, the governor or the ſaid officers ſhall require and take a ſufficient ſecurity there for the diſcharge of the plantation lading in England, which ſecurity is not to be cancelled until they ſhall be informed from the commiſſioners of the cuſtoms in England that the ſaid certificate is true; and any perſons counterfeiting, razing, or falſifying any cocquet, certificate, return, or permit, or knowingly making uſe thereof, ſhall forfeit 500l.

Certificates ſuſpected to be falſe, ſufficient ſecurity to be given for the diſcharge of the plantation lading in England.

Perſons counterfeiting, razing, or falſifying any cocquets, &c. to forfeit 500l. Sect. 10.

Upon any actions, ſuits, and informations, that ſhall be brought, commenced, or entered in the ſaid plantations, concerning any duties, or ſhips, or goods to be forfeited, there ſhall not be any jury but of ſuch only as are natives of England or Ireland, or are born in his majeſty's plantations; and the offence may be laid in any colony, province, &c. &c. in the ſaid plantations, at the pleaſure of the officer or informer.

In actions commenced in the plantations concerning duties on ſhips or goods forfeited, the jury to be natives of England or Ireland, or born in the plantations. Offences may be laid in any colony of ſaid plantations, at the pleaſure of the informer. Sect. 11.

Sureties in bonds given or taken in plantations to be perſons of known reſidence and ability in the ſaid plantations: and the condition of the bonds ſhall be within eighteen

Sureties in bonds to be perſons of known reſidence and ability in the plantations. Condition of bonds, to produce certificate within eighteen months of having goods therein mentioned. Copies of bonds to be admitted as evidence. diſcharged the Sect. 13.

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7 & 8 Will. 3. c. 22. f. 13.

months after the date thereof (danger of the seas excepted) to produce certificate of having landed and discharged the goods therein mentioned in one of his majesty's plantations, or in England, otherwise such bond, or copies thereof, being attested under the hand and seal of the governor or commander in chief to whom such bonds were given, shall be in force, and allowed of in any court in England, Ireland, or the plantations, as if the original had been produced.

11 & 12 Will. 3. c. 24. f. 13, 14.

All fish, except stock fish, live eels, anchovies, sturgeon, botargo, or cavear, taken and imported in foreign ships, such ships shall be forfeited.

1 Geo. 1. st. 2. c. 18. f. 20.

Lobsters and turbots may be imported by foreigners.

Plantation bonds conditioned to produce certificate that goods were landed in England within eighteen months are forfeited if no such certificate be produced, and penalties may be sued for in the exchequer, &c. 15 Geo. 2. c. 31. f. 6.

All plantation bonds entered into in England shall be with condition, that within eighteen months from the date thereof (the danger of the seas excepted) a certificate shall be produced from the collector and comptroller of the port where the goods shall be delivered, that they have been there landed and discharged, otherwise such bonds will be forfeited, and may be sued for in his Majesty's Court of Exchequer in England, Scotland, or Ireland.

Seamen in privateers and trading ships in the plantations not to be impressed, under penalty of 50l. 19 Geo. 2. c. 30. f. 1.

No seamen or other persons (unless deserters from king's ships) in privateers or trading ships, in the plantations, to be impressed in any of the ports, or at sea, in those parts, by any officers belonging to his majesty's ships of war, under penalty of paying 5cl. to the master or owners of such ships for every man such officer shall impress, to be recovered with full costs of suit in any part of the king's dominions.

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Masters of trading ships and packet boats going to the plantations shall be obliged (at the desire of any king's officers thereunto lawfully authorised, and at the charges of his majesty) to receive on board any number of mariners, seamen, or other persons entered into his majesty's sea service (over and above the usual complement of seamen belonging to such trading ship), and carry them to the port to which she is bound, not exceeding in proportion of one-fifth part of the complement, on pain of forfeiting 50l. for every man refused to be taken on board, or, after having received on board, willingly permitting and suffering them to escape.

Masters of trading ships and packet boats going to the plantations shall receive on board mariners, seamen, &c and carry them to the port towhich such ship is bound. 19 Geo. 2. c. 30. s. 5.

The master of every trading ship, &c. to sign an acknowledgment in writing of his having received such men, in order to carry and deliver them to such officer or person to whom they are assigned, and to deliver the same to the officer who shipped the men, who is to lay the same before the Commissioners of the Navy; and such master shall, within six months after receiving the men, produce a certificate to the said commissioners, under the hand of the commander in chief of his majesty's ships, or any other commander, that the said men have been received; and upon such certificate being produced to the Commissioners of the Navy, the master shall be paid at the rate of 6d. per day for each seaman from the time of their being first received on board to the time of their being delivered.

Masters of trading ships to sign acknowledgments of having received such men, and to produce a certificate that such men have been received. Sect. 6.

Masters to receive 6d per day for such men.

In case of any threatened or actual invasion of any colony, or other unforeseen necessity, commanders of men of war may impress sea-

Commanders of men of war, in case of threatened or actual invasion of any colony, may impress men, &c. Sect. 7.



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19 Geo. 2. c. 30. men, with consent of the governor and commander in chief, and council of the colony.

Bonds to be given for landing non-enumerated as well as enumerated goods. 6 Geo. 3. c 52. s. 30. 7 Geo. 3. c. 2.

Bonds to be given in the ports of America for landing in Great Britain or Ireland enumerated as well as non-enumerated goods, under penalty of forfeiting ship and goods.

Foreign built ships, though owned by British subjects, and navigated according to law, not to be entitled to the privileges of British built ships. 26 Geo. 3. c. 60. s. 1.

By the 26th Geo. 3. c. 60. intitled, "*An "Act for the further Increase of Shipping and "Navigation*," no foreign built ship or vessel (except such as have been condemned as lawful prizes*), nor any ship or vessel built or rebuilt upon any foreign made keel or bottom, in the manner heretofore practised and allowed, although owned by British subjects, and navigated according to law, shall be any longer entitled to any of the privileges of a British built ship, and that all the said privileges shall hereafter be confined to such ships only as are wholly of the built of Great Britain, Ireland, &c. or the islands and plantations thereunto belonging. Foreign built ships, duly registered and owned by British subjects, before the 1st of May 1786, or begun to be repaired or rebuilt before that time, shall nevertheless continue to enjoy their privileges.

Ships rebuilt or repaired in foreign ports, if such repairs exceed 15s. per ton, not to be deemed British built, except such repairs are absolutely necessary. Master to report state of the ships upon oath to the British consul, &c. &c. Sect. 2.

No ship or vessel shall be deemed British built, or enjoy the privileges thereunto belonging, which shall be rebuilt or repaired in any foreign port, if such repairs exceed 15s. for every ton admeasurement, unless such repairs are absolutely necessary to enable the ship to per-

* See in its place the 34th Geo. 3. c. 42. entitling certain foreign ships to the privileges of prize ships. See also the act 35 Geo. 3. c. 92. for the encouragement of the SOUTHERN WHALE FISHERY.

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form her voyage; and before ſhe is repaired the maſter to report the ſtate and condition, upon oath, to the Britiſh conſul, or other chief Britiſh officer, at ſuch port, or, ſhould there be no conſul, to two known Britiſh merchants, who are to appoint proper perſons to ſurvey ſuch ſhip, the particulars of the damage to be made out in writing and verified upon oath, which is to be certified by the conſul, or in his abſence by the aforeſaid merchants. And ſhould any ſhip after the 1ſt of Auguſt 1786 be repaired in a foreign port, the maſter ſhall make oath before the collector or comptroller of the cuſtoms in the firſt port of arrival (if required), deſcribing the nature and amount of ſuch repairs, and ſhould they exceed 15s a ton, and the maſter neglect or refuſe to deliver the certificate, the ſhip ſhall be deemed foreign built to all intents and purpoſes. 26 Geo. 3. c. 60.

Every ſhip or veſſel having a deck, or being of the burthen of fifteen tons or upwards, belonging to Great Britain, &c. or the iſlands and plantations thereof, to be duly regiſtered, and the owners to have proper certificates of the regiſtry. All ſhips of 15 tons burthen to be regiſtered in the form preſcribed. Sect. 3.

No regiſtry ſhall be made, or certificates granted, in any other port than that to which ſuch ſhip properly belongs, except ſo far as relates to ſuch as ſhall be condemned prizes. Where regiſtry to be made. Sect. 4.

The port to which any ſhip or veſſel ſhall be deemed to belong is conſidered that to which ſhe uſually trades, or (being a new ſhip) intends to trade, and at or near which the huſband or owners uſually reſide. What port a ſhip ſhall be conſtrued to belong to. Sect. 5.



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Veſſels not requiring regiſtry. 26 Geo. 3. c. 60. ſ 6.

King's ſhips are not required to be regiſtered, nor lighters, barges, boats, &c. uſed ſolely in rivers, or inland navigation*.

Ships built in America, unleſs condemned as prizes, entitled to the privilege of Britiſh ſhips, unleſs rebuilt, regiſtered, &c. Sect. 7.

No ſhip built in the United States of America, or owned by their ſubjects, and not regiſtered before any act of parliament prohibiting trade and intercourſe with the ſame, ſhall be entitled to be regiſtered, or to any privileges of a Britiſh built ſhip, unleſs ſuch ſhip was taken and condemned as a lawful prize, or having been ſtranded, or rebuilt and regiſtered in the manner before practiſed and allowed.

Britiſh ſubjects reſiding in foreign parts, in what caſes, to be conſidered owners and entitled to privilege, &c. Sect. 8.

No Britiſh ſubject reſiding in foreign parts ſhall be entitled, during his continuance ſo to reſide, to be a whole or part owner of any Britiſh ſhip required to be regiſtered by this act, unleſs he is a member of ſome Britiſh factory, or agent for, or partner in any houſe carrying on trade in Great Britain or Ireland.

Sect. 9.

The oath directed by the 7th and 8th Will. III. to be taken on regiſtering ſhips is hereby repealed, and a new form of oath to be taken and ſubſcribed is ſubſtituted.

Owners to make affidavit that all perſons having property or intereſt in the ſhip are ſubjects of Great Britain. Sect. 10.

No regiſtry ſhall be made, or certificate granted, without the owners' affidavit, "That "no other perſons have any property or intereſt "in the ſhip, and that they are ſubjects of "Great Britain, and have not taken the oath "of allegiance to any foreign ſtate whatever, "and that no foreigner hath any ſhare or in-"tereſt in the ſhip."—The form is more fully expreſſed in the act itſelf.

* By the 35th Geo. 3. c. 58. lighters, &c. uſed in inland navigation are now to be regiſtered.



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In caſe there are three, or more owners, and two of them not perſonally attending to take and ſubſcribe the oath, then the owner that attends ſhall farther make oath, that the part owners then abſent are not reſident within twenty miles, and have not, to his knowledge or belief, wilfully abſented themſelves from taking the oath, or are prevented by illneſs.

If two or three owners, and only one can attend, ſuch owner to make additional affidavit. 26 Geo. 3. c. 60. ſ. 11.

Previous to the regiſtering any certificate, proper perſons appointed for that purpoſe ſhall go on board the ſhip, and ſtrictly admeaſure her, in the preſence of the maſter, or any other perſon on the part of the owners, and ſhall deliver in writing the particulars of the built, deſcription of ſuch ſhip, &c. as are ſpecified in the certificate, to the perſon making the regiſtry; and the maſter, or perſon attending on the part of the owners, to ſign ſuch certificate.

Ships to be meaſured previous to the regiſtering any certificate. Sect. 12.

Perſons appointed to admeaſure ſuch ſhips wilfully delivering a falſe deſcription of any of the particulars required, or the perſon authoriſed making a falſe regiſter, or granting a falſe certificate, ſhall forfeit 100l. and be rendered incapable of holding any office under his majeſty.

Penalties on giving a falſe deſcription, making falſe regiſter, or granting a falſe certificate. Sect. 13.

The following method to be attended to in aſcertaining the tonnage of ſhips when afloat, viz. a plumb line is to be dropped over the ſtern of the ſhip, and the diſtance between the line and the after part of the ſtern poſt is to be meaſured at the load water mark; then meaſure from the top of the line, in a parallel direction with the water to a perpendicular point immediately over the load water mark, at the fore part of the main ſtern, ſubtracting from ſuch meaſurement the above diſtance, the remainder will be the ſhip's extreme length, from

Mode of aſcertaining the tonnage. Sect. 14.



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26 Geo. 3. c. 60. which are to be deducted three inches for every foot of the load draught of water for the rake abaft, and alſo three-fifths of the ſhip's breadth for the rake forward, the remainder will be eſteemed the juſt length of the keel for finding the tonnage; and the breadth to be taken from outſide of the plank in the broadeſt part of the ſhip, either above or below the main wales, excluſive of all manner of ſheathing or doubling that may be wrought upon the ſide of the ſhip; after which admeaſurement multiply the length of the keel for tonnage by the breadth found, and that product by half the breadth, which, divided by ninety-four, the quotient ſhall be deemed the true contents of the tonnage:—this method not to alter that uſed for meaſuring the tonnage for the purpoſe of aſcertaining the light duties, &c.

Penalty of bonds to be entered into by maſters and owners, &c. Sect. 15.

The maſter and owners of ſuch ſhips ſhall give bonds * in the following penalties at the time of obtaining certificates of regiſtry, viz. for a veſſel decked, or above fifteen tons, and not exceeding fifty tons, in the penalty of 100l.; exceeding fifty, and not above one hundred tons, in 300l.; exceeding one hundred, and not two hundred tons, in 500l.; exceeding two hundred, and not three hundred tons, in 800l.; and exceeding three hundred tons, in 1000l.; and the condition of every ſuch bond ſhall be, that the certificate ſhall not be ſold, lent, or otherwiſe diſpoſed of, to any perſons whatever; and in caſe the ſhip is loſt, taken by the enemy, burnt or broke up, or otherwiſe prevented from returning to her pro-

* This bond may be taken by any perſon authoriſed for that purpoſe by the commiſſioners of cuſtoms, 27 Geo. 3 c. 19. ſ. 6. and may be given upon every change of the maſter as well as at the time of regiſtry, ſ. 7.

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per port, the certificate, if preſerved, ſhall be delivered up within one month after the arrival of the maſter in any port in Great Britain, &c. to the collector, &c.; and ſhould any foreigner purchaſe, or become entitled to any ſhare in ſuch ſhip within the limits of any port in Great Britain, Guernſey, &c. in ſuch caſe the certificate of regiſtry ſhall be delivered up to the perſon authoriſed within ſeven days after ſuch purchaſe, and if in any foreign port when ſuch purchaſe or transfer ſhall take place, then the ſame ſhall be delivered up to the Britiſh conſul, or if at ſea when ſo purchaſed or transferred, it ſhall likewiſe be delivered up to the Britiſh conſul at the foreign port where the maſter ſhall firſt arrive after ſuch transfer of property at ſea; but ſhould he not arrive in a foreign port, but ſome port in Great Britain, Guernſey, &c. then the ſame ſhall be delivered up in manner aforeſaid in fourteen days after arrival, as likewiſe any Mediterranean paſſes that might have been obtained, ſhall be delivered up with the certificates of regiſtry, in order to be tranſmitted to the commiſſioners of the cuſtoms for the purpoſe of being cancelled. 26 Geo. 3. c. 60.

In caſe there be any alteration in property in the ſame port, by the ſale of one or more ſhares in any ſhip, after regiſtry, it ſhall be acknowledged by indorſement on the certificate of regiſtry, before two witneſſes, as likewiſe the town or place where all perſons to whom the property ſo transferred ſhall reſide, or if ſuch perſons reſide in any foreign country, town, or city, the ſame ſhall be inſerted, together with the names of the houſes and copartnerſhip in Great Britain or Ireland, and the perſon to whom the property is ſo tranſ- Transfer of property in ſhips to be acknowledged by indorſement of certificate of regiſtry. Sect. 16.



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26 Geo. 3. c. 60. ferred, or his agent, ſhall deliver a copy of ſuch indorſement to the perſon authoriſed to make regiſtry.

On transfer of property in ſhips, certificate of the regiſtry to be recited in words at length. Sect 17.

As often as the property in any ſhip belonging to Britiſh ſubjects ſhall be transferred *, in whole or in part, the certificate of the regiſtry of the ſame ſhall be recited, in words at length, in the bill or inſtrument of ſale, or otherwiſe ſuch bill of ſale ſhall be void.

Upon changing of a maſter of a ſhip, regiſtered notice to be given to the commiſſioners of the cuſtoms in England. Sect. 18.

Whenever the maſter of a ſhip, regiſtered, is changed, the owners or maſter ſhall deliver the certificate of the regiſtry to the perſon authoriſed to make ſuch regiſtry, at the port where the change may have taken place, who ſhall indorſe and ſubſcribe a memorandum of ſuch change, and give notice to the proper officer of the port where ſuch ſhip was laſt regiſtered, who ſhall likewiſe make a memorandum of the ſame in the books of regiſters, and give notice to the commiſſioners of his majeſty's cuſtoms in England or Scotland †.

Ship's name and port ſhe belongs to, to be placed on a conſpicuous part of the ſtern. Sect. 19.

The owners not to give any other name to the ſhip but that by which ſhe was firſt regiſtered, and within one month after regiſtry ſhall paint, in white or yellow letters, the name by which ſhe was regiſtered, of a length not leſs than four inches (provided there is ſufficient ſpace, if not, then in letters as large as the ſpace will admit), together with the name of the port to which ſhe belongs, on ſome conſpicuous part of the ſtern, and preſerve the ſame. And owners or maſters wilfully altering, eraſing, or concealing, or permitting the ſame to be done, unleſs in caſe of ſquare rigged veſſels in time of war, or deſcribing ſuch ſhip

* See the 34th Geo. 3. c 68. ſ. 14. 17. 21, 22, &c.
† See 34 Geo. 3. c. 68. ſ. 18.

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in any written or printed paper, or verbally by any other than her proper name by which she was registered, to any officer of the revenue in the execution of his duty, then such owners or master to forfeit 100l. 26 Geo. 3. c. 60.

Every person applying for a certificate of registry in Great Britain, Guernsey, Jersey, or the Isle of Man, for any ship which shall be built, must produce to the person authorised a true account under the hand of the builder, of the proper denomination, the time when, and the place where, such ship was built, with an exact account of the tonnage, together with the names of the first purchasers; and also make oath before the person authorised to give such certificate, that the ship is the same with that so described by the builder. Persons applying for certificates to produce a true account, signed by the builder, of the denomination, &c. and to make affidavit of ship's identity. Sect. 20.

Every person who shall apply for a like certificate in any of his Majesty's colonies or plantations, shall produce the like account, and take the same oath, as required by the preceding section. Sect. 21.

In case a certificate of registry of any ship should be lost, a register and certificate *de novo*, in the form directed, shall be granted. Certificates lost. Sect. 22.

In every such case security shall be given as is directed in this act, and in lieu of the oath directed to be taken by the act of 15 Geo. 2. the like oath shall be taken, as is herein before directed by the owners of such ships as are required to be registered by this act. Sect. 23.

Any ship, being altered in form or burthen, or in any manner whatsoever, after registry, shall be registered *de novo* as soon as she returns to her port, or to any other, in which she may Ships altered in form or burthen to be registered *de novo*. Sect. 24.

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26 Geo. 3. c. 60. be regiſtered by virtue of this act; on failure whereof ſhe ſhall be deemed a foreign ſhip.

Owners of ſhips to produce proper certificate, and make oath of ſhip's identity Sect. 25.

Owners of ſhips which have been condemned as lawful prizes, ſhall, upon regiſtry, produce a proper certificate of the condemnation, and alſo a true account in writing, of all the particulars contained in the certificate mentioned in a former ſection; and ſhall alſo make oath before the proper officer, that ſuch ſhip is the ſame mentioned in the certificate.

Ships taken and condemned as prizes, not to be regiſtered in Guernſey, Jerſey, &c. Where to be regiſtered. Sect. 26.

No ſhip, taken and condemned as a prize, ſhall be regiſtered in the iſland of Guernſey, Jerſey, or the Iſle of Man, although belonging to Britiſh ſubjects reſiding in thoſe iſlands; but the ſame ſhall be regiſtered, either at Southampton, Weymouth, Exeter, Plymouth, Falmouth, Liverpool, or Whitehaven, by the collector and comptroller at ſuch ports reſpectively.

An account to be ſubjoined to certificates of the ſum for which any ſhip, condemned in any of the Britiſh colonies, ſold. Sect. 27.

In all caſes where any ſhip taken and condemned in any of the Britiſh colonies, plantations, Iſlands, &c. ſhall have been regiſtered and certificate granted, an exact account ſhall be ſubjoined to ſuch certificate, of the ſum for which ſuch ſhip has been ſold, verified by the oath of the perſon applying for ſuch regiſtry and certificate.

Certificates, how to be entitled. Sect. 28.

The certificates which are directed to be granted in purſuance of this act, ſhall diſtinguiſh whether ſuch ſhips or veſſels are of the built of Great Britain, Guernſey, or the colonies, plantations, or of any foreign country, and ſhall, if Britiſh built, be entitled, "Certificate "of Britiſh Plantation Regiſtry;" and if foreign, "Certificate of Foreign Ship's Regiſ- "try, for the European Trade, Britiſh Pro- "perty."

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The operation of the three following sections, prescribing the limited periods for ships to comply with the Act, has long since ceased. 26 Geo. 3. c. 60.

No ship, directed to be hereafter registered, after her first arrival at her proper port, at the expiration of the notice herein directed, shall be permitted to clear outwards, as a British ship, unless the owners shall have obtained a certificate; and in case such ship depart from the port without being registered and a certificate obtained, she shall be subject to forfeiture, with all her tackle, guns, &c. Ships departing from port without being registered, and obtaining a certificate, shall be forfeited. Sect. 32.

If after the expiration of the notice, any ship or vessel, being square rigged, shall be found in any port, within twenty leagues by water from the port to which she belongs, or any other vessel not square rigged, found in another port, without having obtained the certificate of registry, it shall be lawful for the proper officer to detain such vessel, until the master shall give security by bond, as follows, *viz.* if the vessel is under fifty tons in 50l.; exceeding fifty tons, and not one hundred tons, in 100l; and exceeding one hundred tons, in 200l.; with condition that he forthwith repair with her to the port she belongs, and there cause her to be registered, and procure a certificate of the same, and deliver it to such officer within the limited time in the condition of such bond; and on failure of producing such certificate the bond shall be forfeited: but if produced, the bond shall be void: And in case any square rigged ship, after the expiration of the notice, shall be found in any port, distant more than twenty leagues from that to which she belongs, or the water two shallow to admit of her entrance into her own port, the master shall, within forty- Officers may detain ships, not having obtained a certificate of register, until the master shall give bond to repair to the port to which she belongs, to procure a certificate of register, and deliver it to the proper officer. Sect. 33.

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26 Geo. 2. c. 60. eight hours, make his arrival known to the principal officer of such port, and shall require him to cause the ship to be surveyed, the certificate of which survey the collector or comptroller shall immediately transmit to the person authorized to register ships, at the port to which such ship belongs, who shall register her, and grant a certificate of registry. The collector, &c. in the port where such ship shall be found, may detain her till survey is made.

Masters to produce certificates to the officers of the customs, under penalty of 100l. Sect. 34.

After the expiration of the notice beforementioned, the master of every ship that has been registered, and has procured a certificate, shall, upon demand, produce the same to the principal officers of every port in his Majesty's dominions, or to the British consul, or chief British officer in any foreign port, in order to satisfy them that she is properly registered, under penalty of 100l.

Officers to number certificates progressively, as granted, and transmit true copies to the commissioners of the customs in London, under penalty of 100l. Sect. 35.

The proper officer at every port where registers and certificates are granted, shall progressively number the same as they shall be granted, and shall enter an exact copy of every certificate, with its number, in a book; and shall, within one month at the farthest, transmit a true copy, together with the number of every certificate granted, to the Commissioners of the Customs in London and Edinburgh. Every such officer neglecting the same, for the first offence shall forfeit 100l. and for the second 200l. and be dismissed from his office.

Penalties on officers neglecting to transmit copies of certificates.

Sect. 36.

The Commissioners of the Customs in Scotland shall, in like manner, transmit, at the end of every month in each year, to the Commissioners of the Customs in England true copies of all certificates granted by them, or by officers within the limits of their commission.

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In lieu of the ſtamp duties on bonds entered into by owners of ſhips, &c. there ſhall be paid one ſhilling; and that in lieu of fees and perquiſites now payable on the regiſtry of any ſhip or veſſel. On the firſt regiſtry there ſhall be paid the following ſums, *viz.* By all ſhips decked, or of the burthen of fifteen tons, and not exceeding fifty tons, 1s. 6d.; exceeding fifty, and not exceeding one hundred tons, 2s. 6d.; exceeding one hundred, and not exceeding two hundred tons, 3s. 6d.; and exceeding two hundred tons, 5s. The ſtamp duties, fees, and perquiſites, now payable upon the regiſtry or transfer of property in any ſhip, ſhall continue to be paid as heretofore, except upon the firſt regiſtry of any ſhip, built and regiſtered before the 1ſt of May 1786. 26 Geo. 3. c. 60. ſ. 37. Sums to be paid for regiſtering ſhips.

Sections 38 and 39 relate to regiſters that were granted to ſhips in America during laſt war, in conſideration of ſervices rendered to the public.

Perſons authoriſed to perform any thing directed by this act, in reſpect of their offices, and refuſing or neglecting to perform the ſame, ſhall, on being duly convicted, forfeit 500l.; and for the ſecond offence, 500l. and rendered incapable of ſerving his Majeſty. Forfeitures for perſons authoriſed neglecting to perform their offices. Sect. 40.

Any perſon making a falſe oath to any of the matters herein required to be verified, ſhall ſuffer in like manner as perſons committing wilful and corrupt perjury: and any perſon counterfeiting, eraſing, altering, or falſifying any certificate, or making uſe of the ſame, ſhall forfeit 500l. Perſons taking falſe oaths to be guilty of perjury. Sect 41.

All the penalties and forfeitures ſhall be ſued for, and diſpoſed of, in the ſame manner as thoſe relative to the laws of cuſtoms, and the Penalties, how to be recovered. Sect. 42.

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26 Geo. 3. c. 60. officers concerned in ſeizures or proſecutions ſhall receive the ſame ſhare as unlawful ſeizures, &c.

Sect. 43. Every matter contained in any act of parliament relative to trade, ſhipping, and navigation of Great Britain and the colonies, &c. which is not hereby expreſsly altered or repealed, ſhall continue in full force.

Ships belonging to Iriſhmen, duly regiſtered, to have all the privileges of Britiſh built ſhips. Sect. 44. Ships and veſſels belonging to his Majeſty's ſubjects in Ireland, being duly qualified and regiſtered, ſhall continue to enjoy the privileges to which they were entitled before the paſſing of this act, until the end of four months from the commencement of the firſt ſeſſions of parliament in Ireland; and from the end of that time, every ſhip which ſhall, by virtue of any act in Ireland, be qualified and regiſtered, in any of the ports of the ſaid kingdom, under ſimilar regulations herein contained, ſhall continue to enjoy all the privileges of a Britiſh built ſhip, or foreign built ſhip, owned by his Majeſty's ſubjects.

Ships duly regiſtered in any port in Ireland, to enjoy the privileges of Britiſh built ſhips 27 Geo 3. c. 19. § 1. Every ſhip, duly regiſtered in any port in Ireland, according to the regulations and reſtrictions of the act, 26 Geo. 3. c. 60. and ſhall obtain a certificate thereof, ſhall enjoy all the privileges and advantages of a Britiſh built ſhip, or foreign built ſhip owned by Britiſh ſubjects.

Ships duly regiſtered in Ireland, to continue to enjoy privilege of Britiſh built ſhips, during the time appointed by the commiſſioners; but after the expiration of that time ſhall not enjoy ſuch privilege, unleſs regiſtered and certificate obtained. Sect. 2. Every ſhip belonging to his Majeſty's ſubjects in Ireland, duly qualified and regiſtered, according to the laws in force before the commencement of the act, 26 Geo. 3. c. 60. ſhall continue to enjoy the privileges of a Britiſh built ſhip, during the time appointed by

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the Commiſſioners of the Revenue of that kingdom; but at the expiration of the time ſo appointed, no ſhip belonging to Ireland, which ought to be regiſtered in the ports thereof, ſhall enjoy ſuch privileges, unleſs ſhe be regiſtered, and ſhall obtain a certificate thereof, in purſuance of the before-mentioned act. 27 Geo. 3. c. 19.

In caſe it ſhall happen that any ſuch ſhip, from unavoidable neceſſity or reaſonable cauſe, ſhall not have returned to the port in Ireland to which ſhe belongs within the time appointed, but ſhall touch at ſome port in Great Britain, Guernſey, &c. the Commiſſioners of the Cuſtoms in England or Scotland, upon proof being made thereof, may permit her to enjoy the privileges of a Britiſh built ſhip, for that time only and no other; and to clear out and return to her proper port in Ireland, for the purpoſe of being there regiſtered. Ships from unavoidable neceſſity not returning to ports they belong to, commiſſioners of the cuſtoms may permit them to enjoy privileges of a Britiſh ſhip, and to clear out and return to her proper port to be regiſtered. Sect. 3.

No regiſtry of any ſhip ſhall be granted until the owner or owners have taken the preſcribed oath in this act.

No oath taken for the ſole purpoſe of acquiring the rights of citizens or burghers in any foreign city or town in Europe, to be enjoyed during the time that the perſons taking the oath ſhall reſide there, and for a limited time after ſuch reſidence ſhall have expired, ſhall be deemed an oath of allegiance to a foreign ſtate. No oath for acquiring the rights of citizens in a foreign ſtate, during reſidence, &c. to be deemed an oath of allegiance to a foreign ſtate. Sect. 4.

Ships belonging to the Eaſt India Company, or any body corporate within this kingdom, may be regiſtered and obtain certificates upon an oath being taken and ſubſcribed by the ſecretary of the ſaid company or body corporate, or by any other officer authoriſed (inſtead of the oath directed to be taken), before the Ships belonging to corporate bodies, how to be regiſtered. Sect. 5.



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27 Geo. 3. c. 19. persons authorised to make such registry, describing her built, burthen, &c. and name of the corporation to which she belongs.

Commissioners &c. may authorise the bond required to be taken before other persons, in any other manner, place, &c. Sect. 6.

From the 1st of June 1787, the Commissioners of the Customs in England and Scotland, or the Governors of the British Islands, Plantations, and Colonies, shall, in any case, where it shall appear to them to be expedient, permit the bond required by the act 26 Geo. 3. c. 60. to be taken before any person whatever, in such manner and at such place as they shall think proper.

Sect. 7.

When any master of a registered ship shall be changed, his successor shall give security by bond, to be taken in the manner and under the penalties and conditions required by the acts 26 Geo. 3. c. 60. and this present act, 27 Geo. 3. c. 19. s. 7.

Ships not exceeding 30 tons, employed wholly in fishing within certain boundaries, shall be subject to be registered. Sect. 8.

No vessel whatever, not exceeding the burthen of thirty tons, and not having a whole or fixed deck, employed solely in the Newfoundland fishery, or on the banks or shores of the provinces of Quebec, Nova Scotia, or New Brunswick, adjacent to the Gulph of St. Lawrence, and to the north of Cape Canso, or of the islands within the same, or in trading coastwise within the said limits, shall be subject to be registered in pursuance of the said act, or shall be liable to any hindrance, molestation, obstruction, or detention whatever, on account of not being so registered.

Ships built in Newfoundland, &c. and owners residing in his Majesty's European dominions, by whom oath to be taken, and how to be registered. Sect. 9.

Ships built in the island of Newfoundland, and in the parts adjacent to the Gulph of St. Lawrence, and to the north of Cape Canso, or in the islands within the said limits, on account of owners residing in his Majesty's European

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dominions, to be regiſtered in the ſaid Iſland of Newfoundland, &c. &c. upon the huſband or principal agents of the ſhip, taking the oath required, and the certificates ſo granted ſhall be of the like force as if the owners had taken the oath, until ſuch times as the ſhip ſhall arrive in ſome port of his Majeſty's European dominions, where ſhe may be regiſtered upon the oath of the owners, and no longer: and when the ſhip arrives at ſuch port, the certificates of the regiſtry granted by this act ſhall be null and void, and ſhall be delivered up to be cancelled, and the ſhip regiſtered *de novo*, conformable to the act, 26 Geo. 3. c. 60. 27 Geo. 3. c. 19.

Any of the goods or commodities enumerated or deſcribed in the act of 12 Car. 2. c. 18. and 13. and 14 Car. 2. c. 11. and 6 Geo. 1. c. 15. may be imported either in ſhips which, before the 1ſt of May 1736, truly and wholly belonged to his Majeſty's dominions, or which are Britiſh built, and regiſtered according to law, or in ſhips of the built of any countries in Europe, belonging to the ſovereign or ſtate of which ſuch goods are the growth and manufacture, or of ſuch ports where they are uſually ſhipped, being navigated with a maſter and three fourths of the mariners at leaſt belonging to ſuch country, place, or port, and in no other ſhips *. Goods enumerated in the act of 12 Car. 2. c. 18. and 13 & 14 Car. 2. c. 11. and 6. Geo. 1. c. 15. may be imported in ſhips, which before May 1786, wholly belonged to his Majeſty's dominions, or Britiſh built, &c. Sect. 10.

Any perſon whatever may import into Great Britain from Gibraltar, in any ſhip which before the 1ſt of May 1786, did truly and wholly belong to Britiſh ſubjects, or Britiſh built, navigated, and regiſtered according to law, any goods, wares, or merchandize, of the growth or production of the dominions of the Emperor of Morocco, duties as ſuch goods would be liable to if imported directly from Africa. Sect. 11. Merchandize, the produce of the ſtates of Morocco, imported directly into Gibraltar, may be imported into Great Britain, on payment of ſame

* But ſee 37 Geo. 3. c. 63.



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27 Geo. 2. c. 19. of Morocco, and which have been imported directly into Gibraltar from any part of the ſaid dominions, not lying to the ſouthward of the port of Mogadore, in Britiſh ſhips as before deſcribed, or in ſhips belonging to the ſubjects of the Emperor of Morocco, upon paying the ſame duties ſuch goods are liable to upon being imported into Great Britain directly from Africa.

Goods imported purſuant to the preceding clauſe to be accompanied with a certificate, &c. Sect. 12.

In every ſuch caſe, the goods ſo imported to be accompanied with a certificate under the hand of the Governor of Gibraltar, or perſons authoriſed by him, ſetting forth that ſuch goods were brought into Gibraltar in ſuch ſhips as are above deſcribed.

Ships not entitled to the privileges of Britiſh built ſhips, and ſhips not regiſtered, although owned by Britiſh ſubjects, to be deemed Aliens' ſhips, and liable to penalties, forfeitures, &c. Sect. 13.

All ſhips, which by the act 26 Geo. 3. c. 60. are declared not to be entitled to the privileges of Britiſh built ſhips, and all ſhips not regiſtered according to the regulations of the ſaid act, ſhall (although owned by Britiſh ſubjects) be held and deemed as Aliens' ſhips, and ſhall in all caſes be liable to ſuch and the ſame penalties and forfeitures as Aliens' ſhips.

Such goods as are enumerated in the preceding ſection are not to be brought to any of the Weſt India Iſlands, but by Britiſh ſubjects and in Britiſh built ſhips owned by his Majeſty's ſubjects, and navigated according to law, under the penalty of forfeiting ſhip and cargo.

No goods to be imported into any of the Weſt India iſlands, from any of the territories of the United States of America, except, &c. under penalty of forfeiting ſhip and goods. 28 Geo. 3. c. 6. ſ. 1.

No goods or commodities whatever ſhall be imported from any of the territories belonging to the United States into any of his Majeſty's Weſt India Iſlands (in which deſcription the



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Bahama or Bermuda Iſlands are included) under the penalty of forfeiting ſhip and goods; except only the following articles, *viz.* tobacco, pitch, tar, turpentine, hemp, flax, maſts, yards, bowſprits, ſtaves, heading-boards, timber, ſhingles, and lumber of any ſort; horſes, neat cattle, ſheep, hogs, poultry, and live ſtock of any ſort; bread, biſcuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, and grain of any ſort; ſuch commodities being of the growth or production of any of the territories of the United States. 28 Geo. 3. c. 6. ſ. 1.

By an act for granting to foreign ſhips, put under his Majeſty's protection, the privileges of prize ſhips, under certain regulations. 34 Geo. 3. c 42. ſ. 1.

All foreign ſhips and veſſels heretofore * owned by ſubjects of the late French king, which, in conſequence of any capitulation, may be put under his Majeſty's protection at the time of, or in conſequence of, the ſurrender of any foreign colony, ſhall and may be regiſtered as ſhips condemned as lawful prizes, and ſhall become entitled to the privileges of Britiſh ſhips. Regiſtry of foreign ſhips.

But no ſhips ſhall be entitled to a certificate of regiſtry, unleſs a certificate be produced under the hand and ſeal of the perſon who ſhall have commanded in chief by ſea or land, certifying that ſuch ſhip or veſſel was at the ſame time put under the protection of his Majeſty; Requiſites to be entitled to regiſtry.

* By the 37th Geo. 3. c. 63. paſſed with a view to the Dutch Colonies, taken poſſeſſion of by Great Britain, the proviſions of the 34th Geo. 3. are extended to ALL FOREIGN veſſels whatever.—By the 37th Geo. 3. the ports of regiſtry are ordered to be as follows: Cape Town for the Cape of Good Hope, Columbo for Ceylon and ports to the eaſtward of that iſland, Cochin for the Coaſt of Malabar, Scarborough, in the iſland of Tobago, for the iſland of Trinidad and the ſettlement of Demerara.



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34 Geo. 3. c. 42. whereupon an oath is alſo to be taken by the owner or owners of ſuch veſſel, upon which, with the above certificate they will be entitled to the certificate of regiſtry.

Ports of regiſtry for the French Weſt India Iſlands.

Kingſton in Jamaica for the iſland of St. Domingo, Roſeau in Dominica for any of the French Leeward Iſlands; and the ſaid ports of Kingſton and Roſeau ſhall be deemed the ports to which ſuch ſhips ſhall reſpectively belong.

Places to which ſhips, ſo regiſtered may trade. Sect. 3.

Ships ſo regiſtered as aforeſaid, and being navigated as Britiſh ſhips, may export from any ſuch colony, or part of foreign colony, ſo ſurrendered to his Majeſty, to any of the Britiſh dominions in Europe, or any of the Britiſh colonies, plantations, or iſlands in America to the Weſt Indies (not belonging to any ſovereign or ſtate at war with his Majeſty), to the territories of the United States of America, to all other parts of the continent of America, and the iſlands adjacent to the Weſtern Iſlands (the Azores), and Madeira and Canary Iſlands, to the coaſt of Africa, and the iſlands adjacent, and to none other place whatever; and alſo may import into any ſuch foreign colony, or part of foreign colony from any of the aforeſaid (but no other) places, ſuch goods and commodities reſpectively, and none other, as any Britiſh ſhip or veſſel may by law export or import to or from the ſame, ſubject to the like reſtrictions as Britiſh built veſſels.

Such ſhips may be regiſtered as prize ſhips, Sect 4.

His Majeſty may order ſuch ſhips, without payment of any duty, to be regiſtered as in caſe of a prize ſhip, in any port in the kingdom of Great Britain.

Maſter, crew, and paſſengers, of ſuch ſhips. Sect. 5.

No perſon whatever, heretofore a ſubject of the late French king, ſhall be employed to navigate

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any ſuch veſſel, unleſs he produce a certificate under the hand and ſeal of the commander in chief of ſuch foreign colony, teſtifying that ſuch perſon has taken the oath of fidelity and allegiance to his Majeſty.

Maſters or commanders employing any perſon not certificated as above, ſhall forfeit fifty pounds.

*Abſtract of an Act for the farther Encouragement of Britiſh Mariners.* 34 Geo. 3. c. 68.

How ſhips requiring regiſtry ſhall be navigated. Sect. 1, 2, 3.

From the expiration of ſix months from the concluſion of the preſent war, no goods ſhall be exported or imported to or from the dominions of Great Britain, unleſs navigated by a maſter and three fourths Britiſh ſubjects: nor from the ſame period ſhall any veſſel, required to be regiſtered as a Britiſh ſhip, be navigated but by a maſter and three-fourths Britiſh ſubjects, except as hereinafter provided.

Veſſels employed in the home trade and Britiſh Fiſhery, how to be navigated.

No goods, wares, or merchandizes, ſhall, from the before mentioned period, be carried from any port or place of Great Britain, or of the iſlands of Guernſey, Jerſey, Alderney, Sark, or Man, to any other port or place of the ſame, or any of them, in any ſuch ſhip or veſſel; nor ſhall any ſuch ſhip be permitted to ſail in ballaſt from any of the ſaid ports or creeks to another; nor ſhall any Britiſh ſhip be employed in fiſhing upon the ſaid coaſts, unleſs ſuch ſhips ſhall be wholly and ſolely manned and navigated by a maſter and crew *all* Britiſh ſubjects: provided always, that the Commiſſioners of Cuſtoms may by licenſe authoriſe any ſuch ſhip or veſſel, employed in fiſhing upon the coaſts before-mentioned, to have on board any foreign mariner, or mariners, for in-



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34 Geo. 3. c. 68. ſtructing the Britiſh mariners thereof in fiſhing, or curing fiſh; ſuch foreign mariners not exceeding one-fourth of the number of mariners on board ſuch veſſels.

Exceptions in caſe of ſickneſs, death, deſertion, &c. Sect. 5.

The maſter and the whole, or ſuch proportions, ſhall be Britiſh ſubjects, and *continue ſo during the whole of the voyage*, unleſs in caſe of ſickneſs, death, deſertion, or being taken priſoners in the voyage; in which caſe the maſter of the ſhip ſhall ſpecify the ſame in his report. Nothing in this act ſhall extend to affect any regulation for navigating or manning ſhips employed in the fiſheries carried on from this kingdom or any port of the Britiſh dominions, for which any ſpecial proviſion has been made by any act or acts, in force before the commencement of this act.

Who may be deemed maſters or mariners of Britiſh ſhips. Sect. 6.

No perſon ſhall be deemed qualified to be the maſter of a Britiſh ſhip, or to be Britiſh ſailors, ſeamen, or mariners, except natural born ſubjects, perſons naturalized by act of parliament, or made denizens by letter of denization, or perſons who have become his majeſty's ſubjects by virtue of conqueſt or ceſſion of ſome newly acquired country, and who ſhall have taken the oath of allegiance to his Majeſty, or the oath of fidelity required by the treaty or capitulation by which ſuch newly acquired country came into his Majeſty's poſſeſſion, except as is hereafter provided.

Foreigners ſerving in the navy. Sect. 7.

Every foreign ſailor, ſeaman, or mariner, who ſhall ſerve on board any of his majeſty's ſhips of war for the ſpace of three years, either in one or different ſhips, and who ſhall alſo take the oath of allegiance to his majeſty, ſhall, from and after the concluſion of the preſent war, be entitled to be employed as a Britiſh

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ſailor, ſeaman, or mariner, on board any Britiſh ſhip or veſſel within the intent and meaning of this act, or any of the laws now in force. Such foreigner ſo to be employed is nevertheleſs to deliver a certificate from the captains or commanders under whom he ſerved of the time he ſhall have ſerved, of his faithful ſervice and good behaviour, and a certificate of his having taken the oath of allegiance to the collector of the cuſtoms of the port of London, or the ports of Chatham, Portſmouth, or Plymouth, to be filed by ſuch collector or other officer of the cuſtoms, who is to deliver to ſuch foreign ſailor, ſeaman, or mariner, an atteſted copy thereof, upon paying the fee of 1s. and no more. 34 Geo. 3. c. 68.

Perſons not qualified purſuant to this act taking the command of any Britiſh merchant ſhip or veſſel, to forfeit 100l.; and any ſailor, unqualified foreign ſeaman, ſerving on board ſuch merchant ſhip, ſhall forfeit the ſum of 10l.: provided that no ſhip or veſſel on board of which ſuch diſqualified perſons ſhall be ſo found ſhall be forfeited, if the owners ſhall ſhew that ſuch diſqualification was at the time unknown: provided alſo, that in the navigation on the ſeas of America and the Weſt-Indies, from any port of America and the Weſt-Indies to any port of America and the Weſt-Indies, negroes belonging to his majeſty's ſubjects, and with the qualifications aforeſaid, and on the ſeas to the eaſtward of the Cape of Good Hope, from and to any ports to the eaſtward of the Cape of Good Hope, Laſcars, and other natives of any of the countries to the eaſtward of the Cape of Good Hope, may be employed as Britiſh ſailors, ſeamen, and mariners, in manner heretofore practiſed: Perſons not qualified ſerving on board merchant ſhips. Sect. 8.



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34 Geo. 3. c. 68. but no ſuch perſon to be ſo employed as a Britiſh ſailor, ſeaman, or mariner, unleſs all the conditions required by the act of 34 Geo. 3. c. 42. ſhall have been complied with, ſo long as the ſaid act ſhall continue in force.

In what caſes foreigners may ſerve in time of war. Sect. 9. Nothing in the above act ſhall extend to reſtrain the effect of any ſuch proclamation as his majeſty is empowered to make by virtue of 13 Geo. 2. c. 3 *.

Ships and goods navigated contrary hereto to be forfeited. Sect. 10. All goods, wares, or merchandize whatever, imported or exported, or carried coaſtwiſe contrary to this act; and if any ſhip ſhall ſail in ballaſt, or be employed in fiſhing on the coaſt, ſhall not be manned and navigated as required by this act, ſuch goods, wares, merchandizes, and alſo the ſhip or veſſel, with all her guns, furniture, ammunition, tackle, or apparel, ſhall be forfeited.

By whom ſeizures to be made. Sect. 11. Seizures to be made by the commanders of any of his majeſty's ſhips of war, or any commiſſioned, warrant, or petty officer ſpecially appointed, or by any officer of the cuſtoms.

Ships not at ſea, navigated contrary hereto. Sect. 12. Ships not at ſea, navigated by a greater proportion of foreign ſeamen than allowed by this act, upon producing a certificate from the conſul at ſuch foreign port as ſhe ſailed from, that it became neceſſary for the ſafe navigation of ſuch ſhip to employ ſuch foreign mariners, ſhall not be ſeized or moleſted.

Concluſion of the war, when. The concluſion of the war ſhall be taken for the purpoſes of this act, to be from the time that the ſame ſhall be notified by proclamation, or order

* His Majeſty is by this act empowered in time of war to permit merchant ſhips to be navigated by foreigners, provided one-fourth of the crew be Britiſh ſubjects.

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of his Majeſty in Council, to be publiſhed in the London Gazette. 34 Geo. 3. c. 68.

No transfer, or agreement for transfer, of the property in any ſhip or veſſel, in the whole or in part, ſhall be made but by bill of ſale, or inſtrument in writing, containing an indorſement, according to the form ſpecified by the fifteenth ſection of this act. Transfer of property in ſhips, how to be made. Sect. 14.

If a ſhip ſhould be at ſea when ſuch alteration of the property is made, ſo that an indorſement and certificate cannot be immediately made, the ſale, or contract for ſale, ſhall notwithſtanding be made by ſome inſtrument in writing, and a copy thereof ſhall be delivered to the perſon authoriſed to make the regiſtry, who is to indorſe an entry thereof on the oath or affidavit, make a memorandum in the book of regiſter, and give notice to the Commiſſioner of the Cuſtoms, as before directed. And within *ten days* after the ſhip's return to port, an indorſement ſhall be made on the certificate on regiſtry, and a copy thereof delivered as before-mentioned, otherwiſe ſale to be void. How transfer to be made if ſhip at ſea.

The 17th ſection limits the time of indorſement to ſix months, where the owner or agent reſides in any country out of the dominions of his Majeſty, or within *ten days* after the arrival of ſuch party in England.

Maſters of ſhips refuſing to deliver up the certificate of regiſtry to the proper officer empowered to make regiſtry, upon being requir d ſo to do by the owners or the major part of them, if it ſhall be proved upon oath of any of the owners, that ſuch certificate is wilfully detained, ſhall pay *one hundred pounds*, and on failure of payment be committed to the common jail for not leſs than ſix months, nor more *than twelve*. Maſters of ſhips refuſing to deliver up certificate to forfeit 100l. Sect. 18.

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Sect. 19. And upon the juſtice certifying thereof to the perſon authoriſed to make regiſtry, he ſhall regiſter the ſaid ſhip *de novo*.

Sect. 21. As often as the property of any ſhip is tranſferred, ſuch ſhip ſhall be regiſtered *de novo*. If any alteration of property be made in part, by one or two owners diſpoſing of their ſhares, ſuch veſſel may be regiſtered *de novo*.

The 22d ſection limits the time for ſhips upon voyages, more or leſs extenſive, to be regiſtered*.

* In the limits aſſigned to this work the ſeveral acts relative to this extenſive and intereſting diviſion, cannot be touched upon in any manner adequate to their importance; the acts, therefore, relative to Free Ports in the Weſt India Iſlands—ſeveral recent colonial Regulations—relative to Norfolk Iſland, the Cape of Good Hope, and other important acts, ſpringing out of the various commercial and political relations, which have placed Great Britain in a new and ſingular predicament in this eventful war, cannot *even be ſlightly* glanced at, conſiſtently with other ſubjects, ſuch as Seamen's Wages, Prize Money, &c. of more comparative intereſt to officers of the Navy, for whoſe information this book has been particularly calculated.

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# Pilots and Pilotage.

THE general and local regulations for the conduct of this useful class of men will be found in the several acts of 3 Geo. 1. c. 23. 5 Geo. 2. 5 Geo. 1. c. 13. 7 Geo. 1. c. 21. and the act relative to the port of Liverpool, passed in the 37th year of the reign of his present Majesty, and the regulations contained in these acts have proved at once judicious and efficient.

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None to pilot ships from Dover, Deal, or the Isle of Thanet, up the Thames or Medway, but such as have been examined, and are admitted by the master and wardens of the Society of Pilots of the Trinity House of Dover, Deal, and the Isle of Thanet, under penalty of 10l. for the first offence, 20l. for the second, and 40l. for every other offence.

3 Geo. 1 c. 13. s. 1. Penalties for acting as pilot without a license.

Masters, mates, or owners of ships, residing at Dover, Deal, or Thanet, may pilot their own ships. No pilot appearing within an hour after the ship's arrival, other persons may be hired without incurring penalties.

Pilot not appearing within an hour, other persons may be hired. Sect. 2.

Masters of merchant ships have liberty to chuse such pilots of the said society as they shall think fit; and no person shall continue in the said society, who shall not conduct or pilot a ship, at least twice in one year (unless prevented by sickness,) to and from the places abovementioned.

Masters of merchant ships may chuse their own pilots. Sect. 3.

By the 3d Geo 1. c. 13. s. 4. the following rates are established: Sect. 4.

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3 Geo. 1. c. 13. Rates of pilotage from Dover, Deal, or the Iſle of Thanet up the River Thames and Medway.

| | | | |
|---|---|---|---|
| Every ſhip drawing | 7 | feet water | £. 3 10 |
| ——— | 8 | —— | 4 |
| ——— | 9 | —— | 4 10 |
| ——— | 10 | —— | 5 |
| ——— | 11 | —— | 5 10 |
| ——— | 12 | —— | 6 |
| ——— | 13 | —— | 6 10 |
| ——— | 14 | —— | 7 |
| ——— | 15 | —— | 7 10 |
| ——— | 16 | —— | 8 |
| ——— | 17 | —— | 8 10 |

And no allowance to be made for odd inches.

Pilots' names to be regiſtered annually. Sect. 5.

Pilots loſing a ſhip under their care, through negligence or careleſſneſs, ſhall be incapacitated for acting as pilots ever after. Number of pilots at Dover, &c. not to be leſs than 120; whoſe names, ages, and places of abode, ſhall, every 25th day of March, be affixed in ſome public place, at the cuſtom houſes at London and Dover; and for neglect of not returning every ſuch liſt, the maſter and wardens of the Society of Pilots, to forfeit ten pounds; to be recovered in the Cinque Ports, by any perſon who ſhall ſue for the ſame.

Sect. 7.

This act not to hinder any perſons from aſſiſting ſhips in diſtreſs.

Oaths to be taken by maſter and wardens at the examination of pilots. Sect. 8.

The maſter, and ſuch two wardens as ſhall be appointed to examine any perſons, on their being firſt admitted as pilots into the ſaid ſociety, ſhall take the following oath, to be given them by the regiſter of the Court of Load Manage for the time being,

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I, ———, do ſwear, that I will impartially examine and enquire into the capacity and ſkill of ——— in the art of pilotage over the Flatts, and round the Long Sand head, and the coaſts of Flanders and Holland, and will make true and ſpeedy return thereof to the Lord Warden of the Cinque Ports, for the time being, or his Deputy, without favour, affection, fee, or reward. 5 Geo. 1. c. 13.

So help me God.

This act not to extend to the Trinity Houſe of Deptford Strond. Sect. 9.

The Court of Load Manage to make regulations for pilots of Dover, &c. Not leſs than eighteen pilots to ply conſtantly at ſea. 7 Geo. 1. c. 21. ſ. 14.

Twenty pounds penalty for acting as pilot on the Thames, or Medway, &c. without licenſe from the Trinity Houſe of Deptford Strond. Penalty for acting as Pilot without licenſe. 5 Geo. 2. c. 22.

Two juſtices of Middleſex, Eſſex, Kent, or Surry, not being members of the Trinity Houſe, may determine offences. Sect. 7.

Pilots ſubject to the regulations of the Trinity Houſe. Sect. 8.

Pilots miſbehaving, or refuſing to obey the Trinity Houſe, to have their warrants taken from them, and be caſhiered. Sect. 9.

This act not to affect the Trinity Houſe of Hull or Newcaſtle. Sect. 11.

Nor the fellowſhip of pilots of the Trinity Houſe of Dover. Sect. 12.

Nor the juriſdiction of the city of London on the Thames, nor of the Admiralty. Sect. 14. 15.

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37 Geo. 3. c. 78.

ABSTRACT *of the Act for the better Encouragement of Pilots for conducting of Ships and Veſſels, into or out of the Port of Liverpool.*

The act of 6 Geo. 3. is by this act repealed, and a new corporation is erected for their regulating and licenſing of pilots in the port of Liverpool.

A committee appointed to licenſe pilots. Sect. 10.

A committee, or any five, may examine candidates, and if approved of, a licenſe ſhall be granted, containing the name, age, ſtature, complexion, and place of abode; certifying alſo that the party is duly qualified to act as a pilot to conduct veſſels into and out of the ſaid port of Liverpool; and ſuch perſon ſhall thereupon be duly qualified to exerciſe the occupation of a pilot within the ſaid port.

Sums to be paid for licenſes. Sect. 11.

Six guineas to be paid for the firſt licenſe, and three guineas for every ſubſequent licenſe; each licenſe to continue in force one year, and no longer.

Acting without licenſe. Sect. 12.

Perſons acting without licenſe to forfeit 20l. for every ſuch offence.

Pilots miſbehaving. Sect. 13.

Pilots miſbehaving in the execution of any part of the duty of a pilot, or refuſing to obey any ſummons or order of the committee, or in any wiſe offending againſt this act, ſuch committee to recall the ſaid licenſe, and to declare the ſame to be thenceforth null and void.

No greater rates than the following to be taken for pilotage:

Prices for piloting British ſhips Sect. 14.

For piloting any merchant ſhip into the port of Liverpool, not leſs than 6s. nor more than 9s. for every foot of water ſuch veſſel ſhall draw, and ſo in proportion for every half foot of water; and

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for piloting any such vessel out of the said port, not less than 3s. and not more than 5s. for every foot of water, and so in proportion for every half foot of water; but no allowance to be made for any draught of water over or under half a foot. 37 Geo. 2. c. 78.

Ships bound to Liverpool, which shall not be piloted from the distance of the Great Ormshead on the coast of Wales, not less than 5s. nor more than 8s. per foot, shall be paid for such pilotage, and so in proportion for every half foot of water. No allowance for draught of water above or under half a foot. Less prices to be paid if within certain distances. Sect. 15.

Every master or commander of any ship or vessel employed in the coasting trade, including such as trade to and from Ireland, the islands of Faro, or Fero, Guernsey, Jersey, Alderney, Sark, or Man, which shall be piloted into or out of the said port, shall pay one half only of the said respective rates for such respective pilotage. Rates of pilotage for coasting vessels. Sect. 16.

No ships to be deemed coasting vessels, but such as have sailed from Liverpool on a coasting voyage, and shall have been really and *bona fide* employed in the coasting trade for six months previous to claiming exemption from the higher rates. What to be deemed coasting vessels. Sect. 17.

No ships whatever, whether trading coastwise, or otherwise, piloted into or out of Liverpool, by any of the aforesaid pilots, shall pay for less than for eight feet draught of water: but if they shall draw more than eight feet, the overplus shall be paid for according to the aforesaid rates. Not to pay for less than a certain draught of water. Sect. 18.

Aliens' ships piloted into or out of the said port, to pay not less than 9s. nor more than 12s. for every foot of water, and so in proportion Prices for piloting aliens' ships. Sect. 19.

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37 Geo. 3. c. 78. for every half foot; no allowance to be made for draught of water above or under half a foot. And for piloting every ſuch aliens' ſhip out of the ſaid port, not leſs than 6s. nor more than 8s. ſhall be paid for every foot of water, and ſo in proportion for every half foot.

Leſs prices for aliens' ſhips, if not piloted from certain diſtances. Sect. 20.

Alien's ſhips which ſhall not be piloted from the diſtance of the Great Ormſhead, on the coaſt of Wales, not leſs than 8s. nor more than 11s. ſhall be paid, and ſo in proportion for every half foot; but no allowance made for any draught of water above or under half a foot.

Sect. 21.

The commiſſioners are empowered to regulate the prices of pilotage, according to the ſeaſon of the year, provided they are not lower than the preceding rates.

Half pilotage. Sect. 22.

If any ſhip outward bound, not having met with a pilot before the houſe (at preſent being the only houſe) on Great Hebro Iſland, ſhall bear ſouth ſouth weſt by the compaſs, or ſhall be piloted from the road of Hoylake only, no more than one half, on the rates for piloting ſuch inward-bound veſſels from any point ſhort of the diſtance of the Great Ormſhead, on the coaſt of Wales, ſhall be demanded or paid.

Committee to ſettle the pilotage in certain caſes. Sect. 23.

If none of the pilots as aforeſaid ſhall board or offer his ſervice, before ſuch ſhip or veſſel ſhall have paſſed the Brazil Buoy in the Rock Channel, or the Middle Patch Buoy in Formby Channel, then the pilotage for conducting ſuch ſhips or veſſels into Liverpool, ſhall be fixed at the diſcretion of the committee at their next meeting.

Maſters of ſhips inward bound, refuſing to take on board a licenſed pilot, who ſhall offer his ſervice (except ſuch as ſhall be in ballaſt in



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the coaſting trade, or be under the burthen of 100 tons,) ſhall pay to the pilot offering his ſervice as aforeſaid, the full pilotage, according to the different rates herein before-directed, as if ſuch pilot had actually piloted ſuch veſſel into the port of Liverpool. 37 Geo 3. c. 78.

Pilots leading the way where no pilot can be procured, the veſſel ſo piloted by ſuch pilot leading the way, ſhall be liable to the ſame rates of pilotage as if ſuch pilot had been actually on board; and ſuch pilotage ſhall be applied to the ſtock of the boat to which ſuch pilot ſhall belong. Pilots leading the way in any veſſel. Sect. 25.

Ships in diſtreſs, ſtanding in need of the aſſiſtance of any pilot, the compenſation to be ſettled by the committee at their next meeting. Ships in diſtreſs Sect. 26.

Any licenſed pilot being perſonally required to take charge of any ſhip in diſtreſs, after a proper ſignal being made, or where ſuch ſhip cannot be boarded without imminent danger, refuſing to lead the way in his boat, or ſhall refuſe any extraordinary aſſiſtance to any ſhip in diſtreſs, ſhall for every ſuch offence forfeit a ſum not exceeding 10l. and be deprived of his licenſe. Pilots refuſing to aſſiſt ſhips in diſtreſs. Sect. 27.

Veſſels outward bound, which may have been forced back by ſtorm or otherwiſe, before ſuch pilots have left or parted with ſuch veſſels, the ſaid committee to fix and determine at any of their meetings, an additional compenſation for the ſame; ſuch compenſation not to exceed a moiety of the rates. Veſſels forced back. Sect. 28.

Veſſels forced back after having parted with ſuch pilot, and which ſhall be conducted by ſuch maſter and commander into the road of Veſſels forced back. Sect. 29.



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37 Geo. 3 c. 78.

Hoylake; and if no ſuch licenſed pilot ſhall be employed to conduct ſuch veſſel out of the road of Hoylake to ſea, then one half of the full ſum ſhall be paid for ſuch pilotage.

Diſtances to which veſſels are to be piloted out. Sect. 30.

Every licenſed pilot of any ſhip ſailing out of Liverpool, through Formby Channel, ſhall pilot ſuch ſhip ſo far to the weſtward as the buoy, called the North Weſt Buoy; and if ſuch ſhip ſhall be piloted out through the Rock Channel, ſuch pilot ſhall pilot the ſame ſo far to the weſtward as the North Weſt Buoy of Hoyle, if the captain or commander of ſuch veſſel ſhall require it; and upon refuſal, ſuch pilot ſhall not be entitled to any pilotage, and be deprived of his licenſe.

Places to which veſſels are to be piloted inwards. Sect. 31.

Every licenſed pilot, who ſhall pilot any ſhip into the ſaid port of Liverpool, ſhall take care (if need be) to cauſe ſuch ſhip to be properly moored at anchor in the River Merſey, and afterwards conduct ſuch ſhip into one of the wet docks within the ſaid port; but in caſe ſuch attendance ſhall be required during the anchorage of ſuch ſhip in the River Merſey, and before ſhe is docked, 5s. per day ſhall be paid, as hereinafter provided.

When maſters may pilot their own veſſels. Sect. 32.

Maſters and commanders of any ſhip in ballaſt, in the coaſting trade, or any ſhip being under the burthen of 100 tons by the certificate of regiſtry, in the coaſting trade, may pilot his ſaid ſhip into or out of Liverpool; and any perſon or perſons may aſſiſt ſhips in diſtreſs.

Maſters giving falſe accounts of draught. Sect. 33.

Maſters of ſhips to give a true account of the draught of water to the pilot employed, who if he ſhall ſuſpect the truth of ſuch declaration,



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is authoriſed to admeaſure his ſhip, and if it ſhall be found that ſuch maſter and commander wilfully and fraudulently gave a falſe account, he ſhall forfeit double the amount of pilotage, pay the expences of ſuch admeaſurement, and be ſubject to a fine, at the diſcretion of the committee, not exceeding 10l. nor leſs than 2l. together with all expences. 37 Geo. 2. c. 78.

Licenſed pilots, attending daily, ſhall be paid 5s. a day for his attendance; or if diſmiſſed in leſs time than a whole day, he ſhall be paid 5s.; and pilots ſhall be paid for every day of their attendance whilſt in the river, except the day of going to ſea with ſhips outward bound, and the day of returning from ſea, and the day of decking for ſuch as ſhall be outward bound. Pilots attending daily. Sect. 34, 35, & 36.

Maſters of veſſels outward bound, (except in ballaſt, in the coaſting trade, or under 100 tons burthen,) proceeding to ſea without a licenſed pilot, ſhall pay to the pilot who firſt or only offered his ſervice, the full pilotage. Maſters outward bound refuſing to take pilots. Sect. 37.

Every perſon taking or appearing to take charge, agency, or conſignment of any ſhip, ſo chargeable with the reſpective rates, for pilotage and extra attendance, outward bound, ſhall be accountable for ſuch rates of pilotage, as ſhall be ſo due, according to the aforeſaid rates; and the ſame may be levied by diſtreſs and ſale, after the expiration of three days from the time when ſuch pilotage ſhall have been demanded. Perſons liable to pilotage. Sect. 38, 39.

Maſters of ſhips, forcibly taking pilots to ſea beyond the limits herein preſcribed for Penalty on maſters forcibly taking pilots to ſea.



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37 Geo. 3. c. 78. pilotage, ſhall forfeit and pay a ſum not exceeding 20l. nor leſs than 5l. at the diſcretion of the committee; and reaſonable compenſation, according to the diſcretion of the committee, ſhall be made to ſuch pilots.

The ſubſequent ſections of this act relate to the accounts of the corporation.

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## Pirates.

THE proceedings againſt perſons charged with the commiſſion of capital crimes upon the high ſeas, being after the courſe of the civil laws, which require, before any judgment of death can be given againſt the offenders, that they muſt either confeſs their crime, or elſe that the offence ſhall be plainly and directly proved by witneſſes indifferent, who abſolutely ſaw the offence committed, a ſpecies of evidence extremely difficult to be procured, in caſes where the offences are committed by offenders upon the ſea, who frequently kill or murder ſuch perſons, being in the ſame ſhip or boat, who might be evidences againſt them; and becauſe the witneſſes are in general ſeafaring men, and from their avocations not always to be procured without great inconvenience to themſelves, and conſiderable coſts and charges to the king and the proſecutors;

To remedy theſe inconveniencies, it was enacted,

That all ſuch offences done upon the ſea, or in any haven, creek, or river, where the admirals have juriſdiction, ſhall be inquired, tried, heard, and determined, in ſuch ſhires and places in the realm as ſhall be limited by the king's commiſſion, to be directed for the ſame, in like form and condition as if ſuch offences had been done upon the land.

28 Hen 8. c. 4. Before what perſons offences committed upon the ſea ſhall be heard and determined.

Such commiſſions to be under the great ſeal, directed to the admirals, their lieutenants or deputies, and to three or four ſuch other ſubſtantial perſons, as ſhall be named by the lord chancellor.



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28 Hen. 8. c. 4. ſ. 2. By what jurors the ſame offences ſhall be enquired of.

The commiſſioners, or any three of them, ſhall have power and authority to enquire of ſuch offences by the oaths of twelve good and lawful men, of the ſame ſhire limited in the commiſſion, as if ſuch offences had been committed upon land in the ſame ſhire.

All indictments found and preſented before ſuch commiſſioners ſhall be valid in law.

The ſame proceſs, judgment, and execution, ſhall be had againſt ſuch perſons ſo indicted, as is uſed by the common law againſt perſons charged with ſimilar felonies committed upon land.

Perſons convicted by authority of ſuch commiſſion, ſhall ſuffer ſuch puniſhment, as if they had been convicted of ſimilar felonies committed upon land.

Clergy not to be allowed. Sect. 3.

Offenders convicted of robberies, felonies, and murders, done upon the ſea, or within the juriſdiction of the Admiralty, are excluded from the benefit of clergy.

Commiſſions directed to the Cinque Ports.

Any commiſſion for the puniſhment of the above offences, which ſhall be ſent to any place within the juriſdiction of the Cinque Ports, ſhall be directed to the Lord Warden of the Cinque Ports, or his deputy, and three or four ſuch other perſons as the Lord Chancellor ſhall appoint.

Commiſſioners authority extended to treaſons, and four to conſtitute a quorum. 28 Hen. 8. c 15 ſ. 1. & 2.

The next act of the enſuing year of the ſame reign, differs only from the former in two points, namely, in extending the crimes therein enumerated to TREASONS; and by the ſecond clauſe the number of commiſſioners, three of whom, by the preceding act, conſtituted a quorum, is extended to *four*. Theſe commiſſioners have authority to hear and determine

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any TREASONS, felonies, robberies, murders, manſlaughters, or ſuch other offences committed within the cognizance of the Admiralty. 29 Hen. 8. c. 7.

There does not appear to have been any other act paſſed relative to this ſubject till the reign of King William, when the numerous acts of piracy and depredations committed by ſea, in the Eaſt and Weſt Indies, required a tribunal more extended, and more ſummary puniſhment.

The preamble to this act, 11th and 12th W. III. recites the 28th Hen. VIII. c. 15. in conſequence of which act, the trial of the offenders mentioned in that act, before the admiral, or his lieutenant, or commiſſary, had been altogether diſuſed; that ſince the making of the ſaid act, and eſpecially of late years, it had been found by experience, that perſons committing piracies, robberies, and felonies, on the ſeas, in or near the Weſt Indies, and in places very remote, could not be brought to condign puniſhment without great trouble and charges, in ſending them into England, to be tried within the realm, (as directed by the ſaid ſtatute,) inſomuch that many idle and profligate perſons have been thereby encouraged to turn pirates, truſting that they ſhould not be eaſily queſtioned for ſuch their robberies, on account of the great trouble and expence to proſecutors; that their numbers had of late very much increaſed, and their inſolencies were ſo great, that unleſs a ſpeedy remedy were provided to ſuppreſs them, by a ſtrict and more eaſy way for putting the ancient laws in that behalf in execution, the trade and navigation into remote parts would very much ſuffer thereby.

By this act it is provided,

That *piracies*, *felonies*, and *robberies*, committed upon the ſea within the cognizance of the Admiral, may be examined, enquired of, tried, heard, determined, and adjudged, according to the directions of this act, in any 11 & 12 Wm. 3. c. 7. ſ. 1. How and where piracies and felonies, committed upon the ſea, may be tried.



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1 Geo. 12 Wm. 3. c. 7. place at ſea, or upon the land, in any of his Majeſty's iſlands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpoſe, by commiſſion under the great ſeal of England, directed to all or any of the admirals, vice-admirals, rear-admirals, judges of vice-admiralties, or commanders of any of his Majeſty's ſhips of war; and alſo to all or any ſuch perſon or perſons, officer or officers, by name or for the time being, as his Majeſty ſhall think fit to appoint; which ſaid commiſſioners, ſhall have full power, jointly or ſeverally, by warrant under the hand and ſeal, of them or any of them, to commit to ſafe cuſtody perſons againſt whom informations of piracy, robbery, or felony, upon the ſea, ſhall be given upon oath, which oath they are empowered to adminiſter, and to call and aſſemble a court of admiralty on ſhip board, or upon the land, as often as occaſion ſhall require; which court ſhall conſiſt of ſeven perſons at the leaſt.

If ſo many of the aforeſaid perſons cannot be conveniently aſſembled, then any three of them (whereof the preſident or chief of ſome Engliſh factory, or the governor, lieutenant governor, or member of any of his Majeſty's councils in any of the plantations or colonies, or commander of one of his Majeſty's ſhips is always to be one) ſhall have full power and authority to call and aſſemble any other perſons on ſhip board, or upon the land, to make up the number of ſeven.

Perſons qualified to ſit on courts of admiralty. Sect. 3. Only known merchants, factors, or planters, or captains, lieutenants, or warrant officers of king's ſhips, or maſters or mates of Engliſh ſhips, to ſit on courts of admiralty.

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Such courts may iſſue warrants for bringing offenders before them, and ſummon witneſſes, and examine them on oath, and do all things neceſſary for hearing and determining, and giving ſentence of death, and award execution according to the civil law and the rules of the Admiralty.

11 & 12 Wm. 3. c. 7. ſ. 4. Power of courts of admiralty.

When any court is aſſembled as aforeſaid, the king's commiſſion ſhall be firſt openly read, and the ſaid court publicly proclaimed: then the preſident ſhall take the following oath:

Oath to be taken by the preſident.

I, ———, do ſwear, in the preſence of Almighty God, that I will truly and impartially try, and adjudge the priſoner or priſoners which ſhall be brought upon his or their trials before this court, and honeſtly and duly on my part, put his Majeſty's commiſſion for the trying of them in execution, according to the beſt of my ſkill and knowledge; and that I have no intereſt, directly or indirectly, in any ſhip or goods, for the piratically taking of which any perſon ſtands accuſed, and is now to be tried.

So help me God.

Having taken the oath in manner aforeſaid, he ſhall adminiſter the ſame to every member of the ſaid court, and immediately thereupon the priſoner is to be brought formally before them. The regiſtrar is then to read the articles againſt ſuch priſoner, upon which he is to be tried; wherein ſhall be ſet forth the particulars of the piracy, robbery, and felony, with the time and place when and where, and in what manner it was committed; after which the priſoner is to be aſked whether he is guilty or not guilty of the robbery, &c. &c.? whereupon the priſoner is to plead guilty or not guilty; or elſe it ſhall be

Mode of proceeding. Sect. 5, & 6.

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11 & 12 Wm. 3. c. 7.

taken as confeſſed, and he ſhall ſuffer in like manner as if he had been convicted upon oath of witneſſes or his own confeſſion: but ſhould the priſoner plead not guilty, witneſſes ſhall be produced by the regiſtrar, and duly ſworn and examined openly in the priſoners preſence, and after a witneſs has anſwered all the queſtions propoſed by the preſident of the court, and given his evidence, the priſoner may have the witneſs croſs-examined, by declaring to the court what queſtions he would have aſked; the preſident ſhall interrogate the witneſs accordingly; and every priſoner ſhall have liberty to bring witneſſes in his own defence, who ſhall be ſworn and examined upon oath, after which the priſoner is to be fairly heard in his defence; all which being done, the priſoner ſhall be taken away, and all other perſons except the regiſtrar ſhall withdraw; the court is then to conſider of the evidence that has been given, and debate the matters and circumſtances of the priſoner's caſe; the preſident ſhall collect all the votes, beginning with the junior firſt, and ending with himſelf; and according to the plurality of voices, ſentence and judgement ſhall be then given, and pronounced publickly in the preſence of the priſoner. And according to ſuch ſentence the priſoner is to be executed, at ſuch time, in ſuch manner, and in ſuch place upon the ſea, or within the ebbing and flowing thereof, as the preſident or the major part of the court, by warrant directed to a provoſt martial, (which they ſhall have power to conſtitute,) ſhall appoint.

Mode of execution.

Duty of the regiſtrar. Sect. 7.

Regiſtrar of a court of admiralty to be a notary public; and in his abſence the preſident to appoint one, who ſhall prepare all warrants

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and articles, and provide all things neceſſary for any trial, and ſhall take minutes of the proceedings, and enter them in a book to be kept by him for that purpoſe, and ſhall tranſmit the ſame from time to time, with the copies of all articles and judgements given in any court whereof he ſhall be regiſtrar, to the High Court of Admiralty of England. 11 & 12 Wm. 3. c 7.

Britiſh ſubjects committing any piracy or robbery under foreign commiſſions, ſhall be adjudged pirates, and ſuffer as ſuch. Who to be adjudged pirates. Sect. 8.

Maſters of ſhips, ſeamen or mariners, running away with their ſhip, or any barge, boat, ordnance, ammunition, goods, or merchandize, or yielding them up voluntarily to any pirates; or bringing any ſeducing meſſage from any pirate, enemy, or rebel; or endeavouring to corrupt any commander, maſter, officer, or mariner, to yield up or run away with any ſhip, goods, or merchandize; or turning pirate, or going over to pirates; or any perſon hindering his commander from fighting in defence of his ſhip; or confining his maſter, and endeavouring to make a revolt in the ſhip, ſhall be deemed and adjudged to be a pirate, and ſuffer death as ſuch. Sect. 9.

Perſons fitting out or aiding pirates, &c. adjudged acceſſaries; and knowingly concealing pirates, or knowingly receiving ſhips or goods piratically taken, adjudged pirates. Acceſſaries to ſuffer death, loſs of lands and goods, as principals. Perſons aiding pirates, &c. to be adjudged pirates. Sect. 10.

Seamen wounded in defending a ſhip, and widows and children of the ſlain, rewarded by an aſſeſſment on the owners not exceeding two per cent. on the freight, ſhip and goods ſo defended. Seamen defending ſhips, how to be rewarded. Sect. 11.

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11 & 12 Wm. 3. c. 7. Rewards for discovering combinations, &c. Sect. 12.

A reward of 10l. for discovering any combination to run away with a ship of 100 tons and less, and 15l. for every ship of greater burthen, to be paid by the commander or master of such ship, to such person as shall first make the discovery.

Commissioners may try offences in the colonies, and to be assisted by governors, &c.

1 Ann. st. 2. c. 9.

Wilfully destroying a ship, felony, without clergy; and may be tried at sea as piracy, or in any county limited in the king's commission.

4 Geo. 1. c. 11. § 9.

Offenders against 11 and 12 Wm. 3. c. 7. may be tried as directed by 28 Hen. 8. c. 15.

11 and 12. Wm. 3. c. 7. extended to America.

8 Geo. 1. c. 24. § 1.

Trading with pirates punished as piracy.

Persons forcibly boarding ships, &c to be adjudged pirates.

Persons forcibly boarding a ship, and throwing the goods overboard or destroying them, although they do not seize and carry off the ship, shall in all respects be deemed and punished as pirates.

Ships fitted out to trade with pirates to be forfeited, &c. Sect. 2

Ships fitted out to trade with pirates, and the goods on board forfeited, one half of which to the king, and the other to the person who makes the discovery.

Accessaries to be tried as principal. Sect. 3, 4.

Accessaries to piracy to be tried as principals, and excluded benefit of clergy.

Sect. 5.

Seamen maimed in fight against pirates, to be rewarded and admitted into Greenwich Hospital.

Penalty on masters not defending their ships against pirates Sect. 6.

Master or seamen not defending a merchant ship carrying guns, against a pirate, or discouraging others, forfeit their wages to the owners, and suffer six months imprisonment.

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Not more than a moiety of ſeamens' wages to be paid abroad. 8 Geo. 1.

Natural ſubjects or denizens, in time of war, committing hoſtilities at ſea, or in rivers, &c. under commiſſions from the enemy, or giving aid to the enemy at ſea, or in rivers, &c. may be tried as pirates. Perſons committing hoſtilities at ſea or in rivers, to be deemed pirates. 18 Geo. 2. c. 30.

Or may be tried for high treaſon. Sect. 3.

Perſons tried for murder or manſlaughter, and found guilty of manſlaughter only, ſhall be entitled to benefit of clergy, and ſubject to the ſame puniſhment as if committed on land. 39 Geo. 3. c. 37. ſ. 2.

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## Privateers and Letters of Marque.

THE owners of privateers, by virtue of their commiſſion, are empowered to appropriate to their own uſe, and divide in ſuch manner as ſhall be agreed upon, whatever captures they may make, after ſuch captures ſhall have been legally condemned as prizes: they are alſo entitled to an allowance * from government, under the denomination of head-money, of 5l. for every man on board any man of war or privateer captured from the enemy, who was alive at the commencement of the action. With reſpect to re-captures alſo, they are entitled to ſalvage, amounting to *one-ſixth* of the property ſo re-captured, belonging to his Majeſty's ſubjects.

If the ſtate be at war with different ſtates, it is neceſſary that there ſhould be either one commiſſion including all, or ſeparate commiſſions againſt each; otherwiſe, if a captain, having a commiſſion only againſt the French, ſhould fall in with and capture a Spaniard, ſuch capture could not be condemned in the Admiralty as lawful prize, but might be taken away by ſuch man of war as ſhould firſt fall in with him.

The terms upon which men engage in ſuch adventures, vary according as they can agree amongſt themſelves. Sometimes the agreement is upon the terms of *no prize no pay*; in which caſe, whatever be the produce of the prize, one moiety goes to the owners and the other to the men, to be divided between them purſuant to articles of agreement; but when the men ſail for wages, the captures belong entirely to the owners, except a ſmall proportion ſtipulated to be given to the crew in addition to their wages, as a reward to ſtimulate them to action.

* 33 Geo. 3. c. 68.

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A brief Abſtract of the ſeveral Acts and Regulations, relative to the conduct of perſons commanding private ſhips of war, as far as they are particularly and excluſively concerned in captures, is given in the following pages. Thoſe who wiſh to conſult this ſubject more at large, will find details more ample under the more appropriately diſtributive head, PRIZES.

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ABSTRACT *of an Act for the Encouragement of Seamen, and for the better and more effectually manning his Majeſty's Navy.*

The Lords of the Admiralty, or any perſons by them empowered, ſhall, at the requeſt of any owner or owners (whom they may deem duly qualified) of any ſhip or veſſel, regiſtered purſuant to act of parliament, upon proper ſecurity being given, cauſe to be iſſued in the uſual manner commiſſions or letters of marque, and all captures made by ſuch private ſhip or veſſel, according to ſuch commiſſion, ſhall wholly belong to, and be divided among the owners of ſuch ſhip or veſſel, and the ſeveral perſons who ſhall be on board the ſame, in ſuch ſhares and proportions as ſhall be agreed upon with the owners, their agents or factors *.

33 Geo. 3. c. 66. § 9. Lords of the Admiralty to iſſue letters of marque and reprizal.

Private ſhips of war under convoy, not to ſhare in any prizes captured by his Majeſty's ſhips of war, unleſs ſuch private ſhip or veſſel ſhall have received orders from the commander of the convoying ſhip to chaſe, or otherwiſe act hoſtilely againſt the enemy, and ſhall have been actually aiding and aſſiſting in ſuch capture.

Private ſhips of war under convoy. Sect. 12.

Bail and ſecurity to be given before letters of marque are iſſued.

* By the 38th Geo. III. this ſection is extended to Dutch and Spaniſh captures.

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33 Geo. 3. c 66. s. 15. Mode of proceeding to obtain letters of marque.

Perſons applying for letters of marque to make ſuch application to the Admiralty in writing, ſetting forth a true and particular deſcription of the ſhip for which ſuch letter of marque is requeſted, ſpecifying her name and burthen, built, number and nature of the guns on board her, names of her owner, and the number of men intended to be put on board the ſame; all which particulars ſhall be inſerted in every commiſſion or letter of marque, to be granted in purſuance of this act: and every commander of ſuch privateer ſhall produce ſuch commiſſion to the collector, cuſtomer, or ſearcher of the cuſtoms belonging to the port where ſuch veſſel ſhall be firſt fitted out, or to his lawful deputy, who upon inſpecting the ſame, and finding the ſaid private ſhip of war to agree with the deſcription contained in the commiſſion, ſhall give a certificate thereof under his hand to ſuch commander, which certificate ſhall be deemed a neceſſary clearance before ſuch ſhip ſhall be permitted to ſail from that port: and every commander of ſuch privateer departing without ſuch certificate, or proceeding upon a cruize, with a force inferior to that ſpecified, every ſuch commiſſion or letter of marque ſhall be null and void, and the commander ſhall forfeit *one thouſand pounds* to any perſon who will ſue for the ſame, and be impriſoned for ſuch time as the court ſhall direct, not exceeding one year for any offence.

Penalty on collectors granting falſe certificates. Sect. 16.

Collectors of the cuſtoms granting falſe certificates to forfeit their office, be incapable of holding any office under government, and forfeit 100l. one moiety to the informer, and one moiety to the treaſurer of the Merchant Seamens' Hoſpital.

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The burthen of ſuch ſhip or veſſel ſo to be certified to be aſcertained by her certificate of regiſtry, which ſaid certificate ſhall be produced to the Lords of the Admiralty previous to the iſſuing of the commiſſion. 33 Geo. 3. c. 66. ſ. 17. Tonnage of letter of marque to be aſcertained by regiſtry.

Every ſhip and veſſel for which ſuch commiſſion or letter of marque ſhall be granted, and while the ſame ſhall remain in force, but no longer, ſhall be deemed and taken to be licenſed purſuant to the act of the 24th Geo. 3. c. 47. for the more effectual prevention of ſmuggling in this kingdom, although the owner thereof ſhall not have been furniſhed with the licenſe required by the ſaid act. Letters of marque licenſed under 24 Geo. 3. c. 47.

Owners or commanders of privateers, guilty of offences contrary to acts of parliament for the protection of the cuſtoms or exciſe, or for the prevention of ſmuggling, to forfeit the commiſſion or letter of marque, beſides all other penalties and forfeitures which ſhall be incurred by reaſon of ſuch offence. How letters of marque may be forfeited. Sect. 19.

Letters of marque may be revoked by the Admiralty; notice to the owners or commanders thereof of ſuch revocation to be given by the ſecretary to the Admiralty with all convenient ſpeed. Admiralty may revoke letters of marque. Sect. 20.

All offences committed on board privateers may be puniſhed by court martial in ſuch manner as ſimilar offences committed on board his Majeſty's ſhips of war. Sect. 21.

Commanders of letters of marque going into any of the ports or harbours in the colonies or plantations of America, to be ſubject to the colonial laws and regulations. Sect 22.

Privateers ranſoming their captures, the letters of marque ſhall be forfeited, and the com-



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33 Geo. 3. c. 66. mander ſhall ſuffer ſuch penalties of fine and impriſonment as the court of admiralty ſhall adjudge.

Head money. Sect. 40. Five pounds per man ſhall be paid, for every man who was living on board any ſhip or veſſel, taken, burnt, ſunk, or deſtroyed, at the beginning of every attack or engagement between them; the number to be proved by the oaths of three or more of the chief officers or men of the ſaid ſhip or privateer of the enemy.

Salvage upon captures. Sect. 42. Ships belonging to any of his Majeſty's ſubjects, recaptured from the enemy by any privateer, one-ſixth part of the value of ſuch recapture ſhall be paid to the owners, officers, and ſeamen of ſuch privateer, to be divided between them, in ſuch manner and proportions as ſhall have been previouſly agreed upon.

ABSTRACT *of an Act to amend the preceding Act, and for making further Proviſions for theſe Purpoſes.*

38 Geo. 3. c. 11. f. 1. Regulations of the preceding act of 33d Geo. 3. c. 66. reſpecting veſſels, &c. belonging to France.

Letters of marque granted by 33 Geo. 3. c. 66. to be iſſued under this act. Letters of marque granted purſuant to the 33d Geo. 3. c. 66. f. 11. having cleared out of port conformably to the proviſions of the former act, and no opportunity having ſince occurred for the owners of ſuch ſhip, or their agents, to obtain a commiſſion or letter of marque, in purſuance of this act, the Lords of the Admiralty may order a commiſſion or letter of marque to be iſſued, under the proviſions of this act, for any ſuch ſhip or veſſel, upon the production to them of an *authentic copy* of the certificate of regiſtry, under the hand of the collector,

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comptroller, or other proper officer of the customs. 38 Geo. 3. c. 11.

The commanding officer of every ship having a commission or letter of marque during the present hostilities, shall keep a regular journal, containing a true and exact account of his daily transactions and proceedings with such ship and the crew thereof, the ports or places he shall put into or cast anchor in, the time of his stay there, and the cause thereof, the prizes he shall take, the nature and probable value of such prizes, the times and places when and where taken, and how and in what manner he shall dispose of the same, the ships or vessels he shall fall in with, the times and places when and where he shall meet with them, and his observations and remarks thereon; also of whatever else shall occur to him or any of his officers or mariners, or to be discovered or found out by examination or conference with any mariners or passengers of or in any other ships or vessels, or by any other ways or means whatsoever, touching or concerning the fleets, vessels, and forces of the enemy, their ports and places of station and destination, strength, numbers, intents, and designs: and such commanding officer shall immediately on his arrival in any port of this kingdom, or of any other of his Majesty's dominions, from or during the continuation of any voyage or cruize, produce his commission for such ship or vessel, and deliver up such journal so kept as aforesaid, signed with his proper name and hand-writing, to the collector, comptroller, or other chief officer of the customs at or nearest to such port; the truth of which journal shall be verified by the oath of the commanding officer for the time being; and such collector, &c. shall immediately on arrival order

Duty of commanders of letter of marque, keeping a journal, &c.



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38 Geo. 3 c. 11. the ſurveyor, or other water-guard officer, to go on board, and take an account of his officers and men, the number and nature of the guns, and whatever elſe ſhall occur to him, on examination, material to be known by the Lords of the Admiralty; and no ſuch ſhip ſhall be permitted to ſail out of port again, after ſuch arrival, until ſuch journal ſhall have been delivered up, and a certificate obtained under the hand of ſuch collector, &c. that ſhe is manned and armed according to her commiſſion, which certificate is to be given gratis; and upon delivery of this, the former certificate of the like nature ſhall be given up. Collector granting fraudulent certificates to forfeit his office, be incapable of holding any other office under government, and alſo forfeit 100l. one moiety to the informer, and the other moiety to the treaſurer of the Merchants Seamen's Hoſpital.

Rules to be obſerved by captains of letters of marque on falling in with his Majeſty's ſhips of war or revenue. Sect 9.

Captains of letters of marque, in caſe of falling in with any or his Majeſty's ſhips of war, or of revenue, ſhall produce to the commanding officer his ſaid journal, commiſſion, and the certificate given by the collector, &c. and the commanding officer of ſuch ſhip of war or revenue ſhall make a memorandum in ſuch journal of the day in which it was ſo produced to him, and ſhall ſubſcribe his name to it: and in caſe ſuch letter of marque ſhall put into any foreign port where there is a Britiſh conſul, or other chief Britiſh officer, the captain ſhall produce ſuch journal, &c. to ſuch conſul or Britiſh officer; and ſuch captain, or Britiſh conſuls ſhall and may go on board and number the officers and crew, and examine the guns, arms, and ammunition, and if the ſame ſhall not correſpond with the commiſſion and certificate reſpectively, ſuch captain or Britiſh conſul, &c.

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ſhall forthwith communicate the ſame to the Secretary of the Admiralty. 38 Geo. 3.

Commanders of letters of marque neglecting to keep a journal as aforeſaid, or wilfully making fraudulent entries therein, or obliterating any material tranſactions, where his Majeſty's intereſt is any manner concerned, or refuſing to produce ſuch journal, commiſſion, or certificate, purſuant to the preceding clauſe, &c. then, and in each of the ſaid caſes, the commiſſion or letter of marque to be null and void, and ſuch captain, &c. ſhall forfeit for every ſuch offence the ſum of 500l. one moiety thereof to Greenwich Hoſpital, and the other moiety to the perſon who ſhall ſue for the ſame; and any captain taking a falſe oath on delivering ſuch journal, ſhall be guilty of perjury. Penalty on captains not keeping journals. Sect. 10.

The following is an Abſtract of as much of his Majeſty's Proclamation for the diſtribution of prizes as relates to letters of marque,

1. All prizes taken by ſhips and veſſels, having commiſſions of letters of marque and repriſals, may be ſold and diſpoſed of by the merchants, owners, fitters, and others, to whom ſuch letters of marque and repriſals are granted, for their own uſe and benefit, *after final* adjudication, and not before.

Privateers which ſhall be found at ſea, or in port, or at any diſtance from the coaſt, having on board any foreign brandy, or other foreign ſpirituous liquors, in any veſſels or caſks which ſhall not contain *ſixty gallons at the leaſt*, except only for the uſe of the ſeamen, not exceeding two gallons for each ſeaman, or any tea exceeding the quantity of *ſix pounds weight*, or any goods whatever which are or may be liable to forfeiture upon being imported into Great Britain, 33 Geo. 3. c. 34. ſ. 13. Privateers, &c. having on board prohibited goods to be forfeited.



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then, not only such goods, but the ship or vessel on board which they shall be found, with all her guns, furniture, ammunition, tackle, and apparel shall be forfeited and lost, and the letters of marque, or general reprizals, or any other commissions for such ship or vessel shall be null and void.

Instructions for the commanders of such merchant ships or vessels, who shall have letters of marque and reprizals against the ships, goods, and subjects of France, dated 14th of February 1793; and against the ships, goods, and subjects of the *United Provinces*, dated 10th of October 1795.

Against whom and in what places letters of marque may act.

ART. I. All ships, goods, and merchandizes, the property of France and the United Provinces, or persons residing within the territories of either; but no hostility is to be committed, nor prize attacked, seized, or taken within the harbours of princes and states in amity with us, or in their rivers or roads, within the shot of their cannon, unless by permission of such princes or states, or of their commanders or governors in chief of such places.

Captures to be brought.

II. The commanders of ships and vessels so authorized as aforesaid, shall bring all ships, vessels, and goods, which they shall seize and take, into such port of England, or of some other port of our dominions, as shall be most convenient to them, in order to have the same legally adjudged in our High Court of Admiralty of England, or before the judges of any other admiralty court lawfully authorized within our dominions.

Conduct of the captor after the capture is brought into port.

III. As soon as any capture shall be brought into port, the taker or one of his chief officers, or some other person present at the capture, shall



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be obliged to bring or ſend, as ſoon as poſſibly may be, three or four of the principal of the company (whereof the maſter, mate or boatſwain to be always two) of every ſhip or veſſel ſo brought into port, to the proper court of admiralty, to be ſworn and examined upon ſuch interrogations as ſhall tend to the diſcovery of the truth concerning the intereſt or property of ſuch captures; and the taker ſhall be further obliged, at the time he produceth the company to be examined, and before any monition ſhall be iſſued, to bring and deliver into the hands of the judge of the High Court of Admiralty of England, his ſurrogate, or the judge of ſuch other admiralty court, lawfully authorized, or others legally commiſſioned to receive the ſame, all ſuch papers, paſſes, ſea-briefs, charter-parties, bills of lading, cockets, letters, and other documents and writings, as ſhall be delivered up, and otherwiſe found on board at the time of the capture, making oath that the ſaid papers and writings are brought and delivered in as they were received and taken, without any fraud, addition, ſubduction, or embezzlement, or otherwiſe to account for the ſame upon oath to the ſatisfaction of the court.

Bulk not to be broken before judgment.

IV. All ſhips, veſſels, goods, wares, merchandizes, and effects, taken by virtue of letters of marque, ſhall be kept and preſerved, and no part of them ſhall be ſold, waſted, ſpoiled, or diminiſhed; and the bulk thereof ſhall not be broken before judgment be given in ſome court of admiralty lawfully authorized, that the ſhip, goods, and merchandizes are lawful prize.

Privateers to aſſiſt ſhips in diſtreſs.

V. Privateers ſhall uſe their beſt endeavours to give aid and ſuccour to all ſhips found in



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distress, by being in sight, set upon, or taken by the enemy, or by reason of any other accident.

The VIth article, relative to the application to the Admiralty for letters of marque, is almost verbatim the same as the 15th clause of the 33d Geo. 3. c. 66.; the only difference between them is, that by the article *the names of the commander and officers of the privateer* are to be included in the application. [This clause will be found in page 384.]

Correspondence with the Admiralty.

VII. Commanders of letters of marque are to correspond with the admiralty or their secretary, and to give from time to time accounts of their captures and proceedings by virtue of such commissions, and whatever else shall occur be discovered and declared to them or found out by them, or by examination of, or conference with, any mariners or passengers of or in the ships or vessels taken, or by any other ways or means whatsoever touching or concerning the designs of the enemy, or any of their fleets, ships, vessels, or parties; and of the stations, sea-ports, and places, and of their intent therein: and of what ships or vessels of the enemy bound out or home, or where cruizing, as they shall hear of; and of what else material in these cases may arrive at their knowledge.

What colours are to be borne by privateers.

VIII. No commander of any privateer to wear any jack, pennant, or other ensign usually borne by ships of war; but, besides the colours usually borne by merchant ships, they are to wear a red jack with the union jack described in the canton at the upper corner thereof near the staff.

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IX. No commander of any privateer ſhall ranſom, or agree to ranſom, or quit and ſet at liberty any ſhip or veſſel, or their cargoes, which ſhall be ſeized and taken. Not to ranſom any capture.

X. All captains of privateers or letters of marque ſhall ſend an account of and deliver over what priſoners ſhall be taken on board any prizes, to the commiſſioners appointed or to be appointed for the exchange of priſoners of war, or the perſons appointed in the ſea-port towns to take charge of priſoners; and that ſuch priſoners be ſubject only to the orders, regulations, and directions of the ſaid commiſſioners: and no commanding officer of any privateer ſhall preſume upon any pretence whatever to ranſom any priſoners. Priſoners to be delivered to the proper commiſſioners.

XI. Commanders of letters of marque, acting contrary to theſe inſtructions, his commiſſion to be forfeited, and he and his men ſhall be proceeded againſt and condemned with full coſts of ſuit. Commiſſion to be forfeited for acting contrary hereto.

XII. All commanders of letters of marque ſhall, by every opportunity, tranſmit to the admiralty exact copies of their journals, and proceed to the condemnation of their prizes without delay. Copies of journals to be tranſmitted to the Admiralty.

XIII. Commanders of privateers and letters of marque ſhall, upon due notice being given them, obſerve all ſuch other orders and inſtructions as ſhall from time to time be given. To obſerve all orders.

XIV. All perſons who ſhall violate theſe or any other inſtructions, ſhall be ſeverely puniſhed, and alſo required to make full reparation to perſons injured, for all damages they ſhall ſuſtain for any capture, embezzlement, demurrage, or otherwiſe. Violating theſe inſtructions.

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Bail to be given,

XV. Before any letter of marque ſhall iſſue under ſeal, bail ſhall be given, with ſureties, before the lieutenant and judge of the High Court of Admiralty in England, or his ſurrogate, in the ſum of *three thouſand pounds*, if the ſhip carry above 150 men; and if a leſs number, in the ſum of 1500l.

This article likewiſe gives the *form* of the bail *.

* For further particulars relative to this head—See Passa.

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## Prizes.

FROM the preſent defective ſtate of the laws relative to the payment of prize money, it were much to be wiſhed that this ſubject, now of more importance from the greater number of captures than at any former period, might be rendered equally ſatisfactory to the navy as the laws relative to the payment of ſeamen's wages.

As the law now ſtands, agents are only bound to make *one payment within ſix months*, and they are allowed *five* per cent. for agency: in the former caſe, although one payment muſt abſolutely be made within ſix months after the capture, yet the *quantum* of that payment is left to the diſcretion of the agent; and in the latter inſtance, of the allowance of five per cent. when the various extra charges of brokerage, warehouſe room, &c. &c. come to be enumerated, in addition to the *legal* allowance, it generally riſes to about ſeven, eight, nine, ten, eleven, or twelve per cent. upon the whole amount.

When captures alſo are made in ſpecie*, the allowance of five per cent. ought to be conſiderably reduced, as we have inſtances of agents abſolutely making their fortunes, as in the caſe of the late Spaniſh prizes, for the mere trouble of receiving with one hand, and after turning the money to all the account which is practicable in the preſent times, paying the ſum to be diſtributed with the other.

The delays alſo of the courts of admiralty reſpecting the adjudication of prizes, is an abuſe deſerving immediate remedy; as by the preſent regulations any perſon may put in his claim, and prevent the diſtribution, or diminiſh the ſum to be diſtributed to thoſe brave men who have ſo hardly and nobly earned it; for the advantage of

* Agents are allowed two and an half per cent. commiſſion upon receiving, and two and an half per cent. upon paying, in all five per cent. and a long liſt of *et ceteras*, not leſs than fourteen.—In all caſes of ſpecie, the mode moſt equitable, and beſt approved in the Navy, is the diſtribution at the capſtan head.

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no ſet of men whatever, but the agents and the gentlemen of Doctors Commons.

It does not become the writer of this to ſuggeſt to the wiſdom of the Legiſlature, by what mode theſe abuſes are to be remedied, whether by a regulation compelling the agent to pay the whole of the capture within a certain time, and making the firſt payment a proportionate per centage upon the whole of the capture, or by limiting the allowance for brokerage, warehouſe room, and other extra expences, to a certain ſum not exceeding ſix or ſeven per cent. upon the whole value, and reſerving a proportion to the amount of any claims, with the coſts of litigation, until the determination of ſuch claim, and thereby preventing any litigious claimant from locking up the prize money in the hands of the agent, to the great injury of the reſt of the ſharers *. Whether theſe, or any of theſe remedies would be prudent or efficient, the author of this has not the preſumption to aſſume; it is ſufficient for him to point out the abuſes, and in ſo doing he is conſcious that he is writing in perfect uniſon with the feelings of every deſcription of perſons ſerving in the Britiſh Navy.

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22 Geo. 2. c. 24. ſ. 1, Bargains or agreements for ſale of prize money to be void.

All and every bargain, ſale, bill of ſale, contract, or agreement, concerning any ſhare or ſhares of prize money, are declared void and of no effect.

Agents to account to Greenwich Hoſpital. Sect. 7.

Agents to account to the treaſurer of Greenwich Hoſpital of the produce of any prize and bounty three months after the firſt payment of ſuch prize money, with an account of the payment of the ſeveral ſhares, and after the expiration of the term of three years, within the limits of three months, give in the like accounts

* The prize money for the Spaniſh ſhips captured on the 14th of February by Lord St. Vincent is not yet paid, on account of an undetermined claim ſet up by a frigate, which the reſt of the fleet ſeem determined to reſiſt.

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of prizes and bounty, and of the ſums remaining in hand, not having been legally claimed, which ſums are to be paid for the uſe of Greenwich Hoſpital. 22 Geo. 3. c. 24.

One hundred pounds penalty for not giving in accounts, or paying the remaining ſums to the treaſurer of Greenwich Hoſpital. 100l. penalty for not giving in accounts. Sect. 8.

One hundred pounds penalty for any fraud, colluſion, or deceit, in making, ſtating, or balancing ſuch accounts, one-third of which to be to the uſe of his Majeſty, one-third to the uſe of the Hoſpital, and the other third to the informer. Penalty for fraud in making, ſtating, or balancing accounts. Sect. 9.

Oaths and certificates relating to prizes may be adminiſtered and taken before the mayor or other chief magiſtrate of any port within his Majeſty's dominions, or before any Britiſh conſul or vice-conſul reſiding at any neutral port, where any prizes ſhall be brought, proof being firſt made by affidavit before ſuch perſons of the inability of making ſuch oath and obtaining ſuch certificate, at the firſt port the prize was brought to; which certificates ſhall be good and effectual to all intents and purpoſes, as if the ſame were granted by the mayor or other chief magiſtrate, conſul or vice-conſul of the port to which the prize ſhall have firſt been brought. Oaths and certificates relating to prizes may be adminiſtered and taken before the mayor or other chief magiſtrate. Sect. 10.

Flag officers, commanders, and *other officers*, ſeamen, marines, and ſoldiers, on board every ſhip of war in his Majeſty's ſervice, who ſhall take any fortreſs upon the land, or any arms, ammunition, ſtores of war, goods, merchandize, and treaſure, belonging to the ſtate or any public company of the enemies of the Crown of Great Britain, upon the land, or any ſhip or veſſel, or merchandizes laden on board 33 Geo. 3. c. 66. ſ. 2. To be entitled to arms, &c. taken in any fortreſs upon land, and veſſels, &c. trading in any creek defended thereby.

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33 Geo. 3. c. 66. the ſame, in any creek, river, haven, or road, belonging to or defended by the ſaid fortreſs upon the land, ſhall have the ſole intereſt and property of every ſuch ſhip, merchandize, arms, ammunition, ſtores, treaſure, &c. after final adjudication thereof as lawful prize in any of his Majeſty's courts of admiralty, to be diſtributed by his Majeſty, in ſuch proportions as hereinbefore mentioned.

Where the navy and army act jointly againſt a fortreſs, the proportion of prizes to be as his Majeſty ſhall direct. Sect. 3.

Where the navy and army, in all conjunct expeditions againſt any ſuch fortreſs upon the land, directed by inſtructions from his Majeſty, the officers, ſeamen, marines, and ſoldiers, acting in ſuch conjunct expedition, ſhall have ſuch proportionable intereſt and property as his Majeſty, under his ſign manual, ſhall direct.

If no inſtruction given by his Majeſty, the reſpective commanders in chief may ſettle the diviſion, &c. Sect. 4.

But if no ſuch inſtructions ſhall be given by his Majeſty for the diviſion of ſuch captures, purſuant to the preceding clauſe, the reſpective commanders in chief of the fleet and army employed, may make agreements in writing for the diviſion of the captures between the ſaid fleet and army; which agreements being approved and confirmed by his Majeſty, ſhall be binding on all perſons, and the ſhare aſſigned to the fleet by ſuch agreement ſhall be diſtributed therein according to his Majeſty's proclamation; and the ſhare aſſigned to the army ſhall be diſtributed amongſt the officers and ſoldiers, in the proportions correſpondent to the ſaid agreement.

Sect. 5. The army not entitled to ſhare in the diſtribution of any ſhips, veſſels, &c. captured in the voyage to and from ſuch fortreſs.

Shares of perſons run, and ſhares not demanded within a limited time, why ſuch ſhares were not demanded in the limited time. Sect. 6.

Shares of officers and ſeamen who ſhall have been marked RUN on any ſhip's books to which

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they may have belonged; and also all such shares of all officers and seamen, marines, soldiers, and others, which shall not be legally demanded within *three years* after the same shall have been paid to the treasurer of Greenwich Hospital, shall be forfeited to the use of the said hospital; unless the run mark be taken off by the Admiralty, or by order of the Commissioners of the Navy; and unless reasonable cause by the officers and seamen neglecting to demand their respective shares shall be shewn, and allowed by the governors of the said hospital for the time being, or by the judge of the High Court of Admiralty, why such share was not claimed in due time. 33 Geo. 3. c. 66.

Commanders of ships of war to forfeit their shares of prizes, in certain cases, to Greenwich Hospital. Sect. 7.

Commanders of ships of war, having transports, or merchant vessels under convoy, who shall wilfully desert, or sail away from them in pursuit of, and with the view of capturing any ship or vessel of the enemy, (other than ships or vessels armed and fitted for war only, and which shall be seen hovering about or bearing down upon such convoy,) or having captured a prize, shall wilfully desert the convoy, for the purpose of carrying his prize into port; or if the commander of any ship or vessel whatsoever, having on board his Majesty's dispatches, shall sail out of his proper course, in pursuit, and with the view of making prize of any ship or vessel of the enemy, and shall be duly convicted thereof by a sentence of court martial, such commander shall forfeit his share of every such prize to the use of Greenwich Hospital.

Sect. 9.

Prizes taken by privateers to be divided among the owners of the vessels and captors, as may be agreed on between them.

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33 Geo. 3. c. 66. Captured ships, &c. belonging to the excise, to belong to his Majesty.

All ships, goods, or merchandizes, captured by private ships of war belonging to the commissioners of the customs or excise, shall nevertheless belong to his Majesty, and be disposed of, after legal adjudication, in such manner as his Majesty shall order and direct.

Small privateers taken from the enemy, may be included in one adjudication. Sect. 11.

For the encouragement of the capture of small armed ships belonging to the enemy, it shall be lawful for the captors to include in one adjudication any number, not exceeding *six* of such small armed ships, having a commission or letter of marque from the enemy, not exceeding *fifty* tons each, and which shall have been taken within three months preceding the application to the court of admiralty for such adjudication.

Private ships of war, under convoy, not entitled to share prizes taken during that period. Exception. Sect. 12.

Private ships of war, under convoy of his Majesty's ships, are not entitled to share any prizes, whilst the said commissioned ships shall remain under the care and protection of such convoy, unless such private ship or vessel shall have received orders from the commander of the convoying ships to chase, or otherwise act hostilely against the enemy, and shall have been actually aiding and assisting in such capture.

Sect. 13.

Ships, goods, wares, or merchandizes captured, to be liable to the importation duties.

Regulations and determinations respecting prizes.

For the more speedy proceeding in condemnation of prize ships, &c. and lessening the expences usual in such cases, the judge of the Court of Admiralty in England, and of any other court of admiralty thereto authorized, or such persons who shall by them be commissioned for that purpose, within *five days* after request made for that purpose, shall finish the usual preparatory examination of the persons

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commonly examined in such cases, in order to prove the capture to be lawful prize, or to enquire whether the same be lawful prize or not; and the proper monition usual in such cases shall be issued by the proper persons, within the space of three days after request in that behalf made: and in case no claim of such captured ship or goods shall be usually entered or made in the usual form, and attested upon oath, giving twenty days notice, after the execution of such monition; or if there be such claim, and the claimants shall not, within *five* days from the time of entering such claim, give sufficient security (to be approved of by such court of admiralty) to pay double costs to the captors of such ship or goods, in case the same should be adjudged lawful prize; that then the judge of such court of admiralty shall, upon producing to him the said examination, or copies thereof, and also producing to him, upon oath, all the papers and writings which shall have been found on board such capture, or on board any other captured ship or vessel regarding the same, or upon oath made, that no papers or writings were found, proceed with all convenient speed to sentence, either to discharge and acquit such capture, or to condemn the same as good and lawful prize, according to the aforesaid papers or writings which shall be produced; and if such claim shall be duly entered and made, and security given thereupon, pursuant to the true intent and meaning of this act, and there shall appear no occasion to enter into any other examination, that then such judge shall, within TEN DAYS, if possible, after such claim made and security given, proceed to sentence as aforesaid touching such capture: but if, from examination of the preceding documents, it

33 Geo. 2. c. 66.

Directions for proceeding where the case is doubtful.



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33 Geo. 3. c. 66. ſhall appear doubtful to the ſaid judge, whether ſuch capture be lawful prize or not, and it ſhall appear to him to be neceſſary, for the clearing of ſuch doubt, to have an examination of witneſſes on pleadings given in by the parties and admitted by the judge, and ſuch examination be denied, and ſtill inſiſted upon on behalf of the captors, that the ſaid capture is lawful prize, and the contrary on the part of the claimant; that then, and in ſuch caſe, the ſaid judge ſhall forthwith cauſe ſuch capture to be appraiſed by perſons well ſkilled in the ſame, to be named by the parties, and approved and appointed by the court, and ſworn truly to appraiſe the ſame according to the beſt of their ſkill and knowledge, for which purpoſe the ſaid judge ſhall cauſe the goods to be unladen, and (an inventory thereof being firſt taken, if the judge ſhall think neceſſary, by the marſhal of the admiralty or his deputy) ſhall cauſe them to be put into proper warehouſes with ſeparate locks of the collector and comptroller of the cuſtoms, or where there is no comptroller, then of the naval officer and the agents or perſons employed by the captors and claimants at the charge of the party deſiring the ſame, and ſhall, after ſuch appraiſement, and within the ſpace of *fourteen days* after the making of the ſaid claim, proceed to take good and ſufficient ſecurity from the claimants, to pay the captors the full value thereof, according to ſuch appraiſement, in caſe the ſame ſhall be adjudged lawful prize, and ſhall alſo proceed to take good and ſufficient ſecurity of the captors, to pay ſuch coſts as the court ſhall think proper in caſe ſuch ſhip or goods ſhall not be condemned as lawful prize: and after ſuch ſecurities duly given, the ſaid judge ſhall

On ſecurity judge to order the prize to be delivered to the claimants. Sect. 23.

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make an interlocutory order for releaſing or delivering the ſame to ſuch claimants or their agents, and the ſame ſhall be actually releaſed and delivered accordingly. 33 Geo. 3. c. 66.

But if the above claimants ſhall refuſe to give ſuch ſecurity, the judge, upon good and ſufficient ſecurity from the captors, ſhall thereupon proceed to make an interlocutory order for releaſing or delivering the ſame to the captors or their agents, in caſe any ſuch captures ſhall be adjudged not to be lawful prize. If they refuſe to give ſecurity, judge, on ſecurity from the captors, to order it to be delivered to them. Sect. 24.

All captures which ſhall be brought into any of his Majeſty's dominions abroad, ſhall without breaking bulk ſtay there, and be under the joint care and cuſtody of the collector and comptroller of the cuſtoms, and where there is no comptroller, then of the naval officer of the port or place where the ſame ſhall be brought, and the captors or claimants thereof, and their agents, ſubject to the directions of the court of vice-admiralty, until the ſame ſhall be either cleared or diſcharged, or adjudged and condemned as lawful prize, or that ſuch interlocutory order as aforeſaid ſhall have been made for the releaſing or delivering the ſame, and upon condemnation thereof as lawful prize, ſhall immediately be delivered unto the captors or their agents. Captures brought into his Majeſty's dominions abroad, to be under the care of the officers of the cuſtoms, &c. till ſentence. Sect. 25.

All books, papers, and writings, found in any ſhip or veſſel taken as prize, ſhall without delay be brought into the regiſtry of the court of admiralty upon oath; but only ſuch books, papers, and writings ſhall be made uſe of and tranſlated as ſhall be agreed or inſiſted upon by the proctors of the ſeveral parties, captors or claimants, or, in caſe of no claim, by the captor or his proctor, or agent, or regiſter, to All writings found on board captures, to be brought into the regiſtry of the court of admiralty. &c. Sect. 26.



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33 Geo 3. c. 66 be neceſſary for aſcertaining the property of ſuch ſhip or veſſel, and cargo thereof.

No more than certain ſums to be paid to the officers of courts of vice-admiralty abroad. Sect. 27.

No more than *ten pounds* to be paid among the judge and officers of any court of vice-admiralty in his Majeſty's plantations and dominions abroad, towards adjudging or condemning any capture as lawful prize, if ſuch ſhip or veſſel, ſo condemned, be under the burthen of *one hundred tons*; nor above the ſum of *fifteen pounds* in caſe the ſame be of that or any greater burthen; the ſame to be diſpoſed of or divided, as ſuch judge ſhall think fit: and every judge of ſuch court, after payment or tender of the above ſums, as the caſe may be, who ſhall wilfully delay proceeding, purſuant to the tenor of this act, or the inſtructions which ſhall from time to time be given to ſuch judge or officer by his Majeſty with the advice of the Privy Council, ſhall, for every ſuch offence, forfeit the ſum of 500l. one half to the king, and the other half to the informer.

Penalty for delay of proceeding in ſuch courts.

Sect. 28. Appeals from ſentences of courts of admiralty may be made to the commiſſioners for appeals; but the execution of ſentences not to be ſuſpended if the appellee give ſecurity.

Sect. 29. Perſons not parties in the firſt inſtance to enter their claims, or appeals to be void.

Appellants to take out inhibitions within certain periods, or appeals not proſecutable. Perſons not being parties in the firſt inſtance to give in claims within a year. Sect. 30.

Appellants in prize cauſes, who ſhall appeal againſt any ſentence, or interlocutory decree, having the force of a definitive ſentence of any court of admiralty, or vice-admiralty, who ſhall appeal therefrom within fourteen days, ſhall proſecute ſuch appeal by taking out the uſual inhibition *within three months* after ſuch ſentence, if given in the High Court of Admiralty; and *within nine months*, if ſuch ſentence or decree ſhall be given in any of the vice-

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admiralty courts; and after the expiration of the ſaid terms, the ſaid ſentence or interlocutory decree ſhall ſtand confirmed as to ſuch perſon being *a party*: and all perſons not being parties in the firſt inſtance, are to give in their claims within a year. 33 Geo. 3. c. 66.

In caſes of appeal the courts of admiralty or vice-admiralty, on requeſt of the captors or claimants, to order captures to be appraiſed, and, on ſecurity for the value, to be delivered; or may order the effects to be ſold: and, upon ſecurity given by the claimants, the judge of the court of admiralty ſhall give the captured veſſel a paſs under his ſeal, to prevent her being again taken by his Majeſty's ſubjects in her deſtined voyage. Courts of admiralty may order captures to be appraiſed and delivered, or the effects to be ſold. Sect. 31.

If ſentences be reverſed after ſale of captures, the nett proceeds to be deemed their value. Sect. 32.

Nothing in this act to reſtrain his Majeſty from giving ſuch further rules and directions from time to time to his reſpective courts of admiralty, for the adjudication and condemnation of prizes, as, with the advice of the Privy Council, ſhall be thought neceſſary and proper. Sect. 35.

No captured veſſel belonging to his Majeſty's ſubjects ſhall be ranſomed, all contracts for ſuch ranſom to be void; and perſons entering into any contract for ſuch ranſom, ſhall be liable to a penalty of 500l. Sect. 37, 38, 39.

For the further encouragement of the officers, ſeamen, marines, ſoldiers and others, on board his Majeſty's ſhips of war, *as alſo of privateers*, to attack, take, and deſtroy any ſhips of war, or privateers, belonging to the enemy, there ſhall be paid by the Treaſurer of the Navy, upon bills to be made out by the Sect. 40.



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33 Geo. 3. c. 66. Commiſſioners of the Navy, to be paid according to the courſe thereof, without fee or reward, to all perſons who ſhall have been actually on board at the taking, ſinking, burning, or deſtroying any ſhips of war, or privateers belonging to the enemy, during the preſent hoſtilities with France, FIVE POUNDS for every man who was living on board any ſhip or veſſel ſo taken, burnt, ſunk, or otherwiſe deſtroyed, *at the beginning of the attack or engagement between them*; the number of ſuch men to be proved by the oaths of *three* or more of the chief officers or men, who were belonging to the ſaid ſhip or ſhips of war or privateers of the enemy, or belonging to any of them at the time of her or their being taken as prize, ſunk, burnt, or otherwiſe deſtroyed, or, (in caſe ſo many as three ſhall not ſurvive the engagement,) upon the oaths of ſuch of them as ſhall ſurvive, before the mayor or other chief magiſtrate of the port within any of his Majeſty's dominions, whereunto any prize, or officers, or men of ſuch ſhips as were taken, ſunk, burnt, or otherwiſe deſtroyed, ſhall be brought, or before the Britiſh conſul or vice-conſul reſiding at any neutral port, to which ſuch prize, or officers, or men ſhall be brought, which oaths the ſaid mayor, &c. are hereby empowered and required to adminiſter; and the mayor or other chief magiſtrate, conſul or vice-conſul, &c. of the port to which ſuch prizes ſhall be firſt brought, ſhall thereupon grant ſuch certificate as hereinbefore directed, which ſaid certificate ſhall be good and effectual to all intents and purpoſes, as if the ſame were granted by the mayor, &c. of the port to which ſuch prizes, officers, or men ſhall be firſt brought: Provided alſo that where ſuch oath of the number

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of men on board any ſhip ſo taken, burnt, &c. cannot be had by reaſon of the total deſtruction of the officers and crew, then the number of men on board ſuch ſhip at the beginning of the engagement ſhall be aſcertained by ſuch evidence as, under the circumſtances of the caſe, ſhall by the judge of the High Court of Admiralty, or by the judge of any other court duly authorized, be deemed ſufficient proof thereof. 33 Geo. 3. c. 66.

All bills made out for the bounty hereby granted ſhall be made payable to ſuch perſons as ſhall be authorized and appointed agents for appraiſements and ſales of prizes, the ſaid bounty to be diſtributed and divided by the ſaid perſon ſo authorized and appointed amongſt the captors, in ſuch manner, form, and proportion as aforeſaid; the ſeveral ſhares of ſuch captors as ſhall run, or not be legally demanded within three years after public notification, ſhall be paid to Greenwich Hoſpital, ſubject to the ſame proviſions and exceptions as in caſe of prize monies; and the bills to be made out for the Bounty hereby granted, ſhall be made payable to ſuch perſons as ſhall be nominated and appointed by the owners, officers, and ſeamen of ſuch privateer who ſhall have taken, burnt, ſunk, or otherwiſe deſtroyed the ſame, or the major part of them, to be divided in ſuch manner and in ſuch proportions as ſhall have been agreed upon between them. Sect. 41.

Ships, veſſels, or boats taken as prize, or any goods therein, as ſhall appear and be proved, in any court of admiralty having cognizance thereof, to have belonged to any of his Majeſty's ſubjects of Great Britain or Ireland, or any of the dominions and territories remaining and continuing under his Majeſty's pro- Prizes belonging to his Majeſty's ſubjects retaken from the enemy to be reſtored. Sect. 42.



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33 Geo. 3. c. 66. tection and obedience, which were before taken or ſurprized by any of his Majeſty's ſhips of war, ſuch property, ſo taken, ſhall in all caſes (ſave in ſuch as are hereinafter excepted) be adjudged to be reſtored, and ſhall be, by decree of the ſaid court of admiralty, accordingly reſtored to ſuch former owners or proprietors, upon payment (in lieu of ſalvage), if retaken by any of his Majeſty's ſhips, *one-eighth* part of the true value of the ſhips, &c. ſo to be reſtored; which ſaid ſalvage of one-eighth ſhall be anſwered and paid to the flag-officers, captains, officers, ſeamen, marines, and ſoldiers in his Majeſty's ſaid ſhip or ſhips of war, to be divided in ſuch manner as before in this act is directed touching the ſhare of prizes belonging to ſuch flag-officers, captains, officers, ſeamen, and ſoldiers, where prizes are taken by any of his Majeſty's ſhips of war; and if retaken by any privateer, or other ſhip, veſſel, or boat, *one-ſixth* part of the true value of ſuch ſhips, veſſels, boats and goods; all which payments to be made to the owner or owners, officers and ſeamen of ſuch privateer, &c. ſhall be without any deductions, and ſhall be divided between them in ſuch manner and proportions as ſhall have been agreed upon between them; and in caſe ſuch ſhip, veſſel, or goods ſhall have been retaken by the joint operation of one or more of his Majeſty's ſhips, and one or more private ſhip or ſhips, then the judge of the High Court of Admiralty, or other court having cognizance thereof, ſhall order and adjudge ſuch ſalvage to be paid to the recaptors, by the owner of ſuch retaken veſſel or goods as he ſhall, under the circumſtances of the caſe, deem fit and reaſonable, which ſalvage, ſo to be adjudged, ſhall be accordingly

The ſalvage to be paid for reſtored prizes.

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paid by the owners of such retaken ship, vessel, or goods to the agents of the recaptors, in such proportions as the court shall adjudge; but if such ship or vessel so retaken shall appear to have been, after the taking by his Majesty's enemies, by them set forth as a ship or vessel of war, the said ship or vessel shall not be restored to the former owners or proprietors, but shall in all cases, whether retaken by any of his Majesty's ships, or by any privateer, be adjudged lawful prize to the benefit of the captors. 33 Geo. 3. c. 66.

Prizes collusively restored by privateers, to be prize to his Majesty—Division of such prizes—Bonds of commanders to be forfeited.

Penalty on commanders of ships of war collusively returning prizes, &c. Sect. 43.

If any such ship or vessel, or any goods and merchandizes as aforesaid, shall be taken or retaken, and restored, by any commander, captain, or other officer, having the command of any ship or vessel belonging to his Majesty, through consent, or clandestinely, or by collusion, or connivance of such commander, captain, or other officer, such commander, captain, or other officer shall forfeit the sum of *one thousand pounds*, one moiety to the king, and the other moiety to the informer.

Ships retaken before carried into the enemy's ports, may prosecute their voyage, &c. Sect. 44.

If a ship be retaken before she has been carried into an enemy's port, it shall be lawful for her, if the re-captors consent thereto, to prosecute her voyage; and it shall not be necessary for the re-captors to proceed to adjudication till six months, or till the return of the ship to the port from which she sailed; and it shall be lawful for the master, the owners, or their agents to unload and dispose of their cargoes before adjudication; and in case the vessel shall not return directly to the port from whence she sailed, or the re-captors shall have had no opportunity of

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33 Geo. 3. c. 66 proceeding regularly to adjudication within the six months, on account of the absence of the said vessel, the court of admiralty shall, at the instance of the re-captors, decree the restitution to the former owners, paying salvage, upon such evidence as the said court shall, under the circumstances of the case, appear reasonable, the expences of such proceeding not to exceed 14l.

Directions for appointing prize agents. Sect. 50.

All appraisements and sales of any ship or ships, goods, wares, or merchandizes as shall be taken by any of his Majesty's ships of war, shall be made by agents appointed by the flag-officers or flag officer, captains, or officers, ship's company, and others entitled thereto; that is to say, that if the flag-officers or officer of any fleet or squadron of ships, as shall take any such prize or prizes; or if more than one, the majority shall appoint one or more persons agent or agents as aforesaid; then the captains and commanders or captain and commander entitled thereto, or the majority of them, if more than one, may appoint the like number to act for them; and all the other officers under the degree of a captain and commander, may appoint the like number to act for them; and all the crews of the several ships companies of the fleet or squadron, or ship's company, and others entitled thereto, may likewise appoint the like number to act for them in such appraisements and sales.

Agents to register their powers of attorney, under penalty of 500l. Sect. 51.

All and every person who shall be appointed agent as aforesaid for any prizes, or for receiving the bounty hereinafter granted, and which prizes shall have been legally condemned in some court of admiralty having proper cognizance thereof, shall exhibit or cause to be exhibited, in the respective courts of admiralty where such prize shall have been condemned,

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his or their reſpective letters of attorney appointing him or them agent or agents for the purpoſes aforeſaid; and any perſon ſo appointed agent as aforeſaid, who ſhall refuſe or neglect ſo to do for the ſpace of ſix calendar months next after ſentence of condemnation of any prize, ſuch perſon ſo appointed agent ſhall forfeit 500l. to any perſon who ſhall ſue for the ſame. 33 Geo. 3. c. 66.

Regiſters of courts of admiralty to enter powers of attorney within fourteen days after delivery thereof, and on the 25th day of December and the 25th day of June, or within forty days thereafter, in every year, tranſmit to the Treaſurer of Greenwich Hoſpital, or his lawful deputy for the time being, a true copy or tranſcript, under his hand, of all ſuch entries aforeſaid within the preceding half year, under penalty of 100l. for every ſuch offence to any perſon who ſhall ſue for the ſame. Regiſters of courts of admiralty to enter powers of attorney. Sect. 52.

## DUTCH *and* SPANISH CAPTURES.

*Abſtract of an Act to amend the preceding Act, and for making further Proviſion for thoſe Purpoſes.*

Officers and men of his Majeſty's fleet to have all ſhips and cargoes belonging to the United Provinces taken ſince the 15th September 1795, and thoſe belonging to Spain ſince the 9th of November 1796, to be divided agreeably to the proclamations hereinafter inſerted. To whom Dutch and Spaniſh captures belong.

The ſecond and third ſections, relative to prizes defended by forts and conjunct expeditions, are re-enactments of the ſecond and third ſections of the 33d Geo. III. c. 66. before given in p. 397, 398, of this work.



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Sect. 5. Regulations of the preceding act of 33 Geo. 3. c. 66. reſpecting veſſels, &c. belonging to France, to extend to this act, except where hereby altered.

Pre-emption of prize ſhips. Sect. 6. The pre-emption or refuſal of all ſhips or veſſels of war already taken, or which ſhall be hereafter taken, during the preſent hoſtilities, with their tackle, furniture, and ſtores, ſhall be offered to the Commiſſioners of the Navy; and the pre-emption of the guns, arms, and ordnance ſtores, found on board ſuch ſhips or veſſels, ſhall be offered to the Maſter General of his Majeſty's Ordnance; and in caſe the Commiſſioners of the Navy, and Maſter General reſpectively, ſhall think fit to purchaſe the ſame, or any of them, they ſhall be paid for by bills or debentures in the courſe of the navy or ordnance reſpectively, according to ſuch valuation as the ſaid Commiſſioners of the Navy and Maſter General of the Ordnance reſpectively ſhall adjudge to be fair and reaſonable; but if, within ſix weeks after ſuch reſpective tenders, in caſe ſuch ſhip or veſſel ſhall be brought into any port of this kingdom, and within a reaſonable time after ſuch reſpective tenders, if carried into any other port of his Majeſty's dominions, the Commiſſioners of the Navy and Maſter General of the Ordnance reſpectively ſhall give a certificate of ſuch tender and refuſal, under their hands, to the captors, which certificate, as to the ſhip, ſhall be deemed a neceſſary document (over and above what is already required by law) to entitle ſuch ſhip or veſſel to be conſidered as Britiſh built, and ſhall be produced to the proper officer of his Majeſty's cuſtoms, before the captors ſhall obtain a certificate of the regiſtry

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thereof, and which ſaid certificate, as to the ſtores, ſhall be deemed a neceſſary document to entitle ſuch captors to diſpoſe thereof.

This act to continue in force during the preſent hoſtilities with France, the United Provinces, and Spain, reſpectively *.

* *Abſtract of the Proclamation for the Diſtribution of Prize-money, dated the 17th April, 1793.*

The nett produce of all prizes ſhall be given to the takers (ſave and except the produce of ſuch prizes as are or ſhall be taken by ſhips or veſſels belonging to the Commiſſioners of Cuſtoms or Exciſe), but ſubject to the payment of all ſuch or the like cuſtoms and duties as the ſame are now, or would have been liable to, if the ſame were or might have been imported as merchandize; and that the ſame may be ſo given in the proportion and manner hereinafter ſet forth; that is to ſay, That all prizes taken by ſhips and veſſels having commiſſions of letters of marque and repriſals, (ſave and except ſuch prizes as are or ſhall be taken by the ſhips or veſſels belonging to the commiſſioners aforeſaid) may be ſold and diſpoſed of by the merchants, owners, fitters, and others, to whom ſuch letters of marque and repriſals are granted, for their own uſe and benefit, after final adjudication, and not before: And it is further ordered and directed, that the nett produce of all prizes which are or ſhall be taken by any ſhips or veſſels of war, ſhall be for the entire benefit and encouragement of the flag officers, captains, commanders, and other commiſſioned officers, and of the ſeamen, marines, and ſoldiers, on board the ſaid ſhips and veſſels at the time of the capture; and that ſuch prizes may be lawfully ſold and diſpoſed of by them and their agents, after the ſame ſhall have been finally adjudged lawful prize, and not otherwiſe. The diſtribution ſhall be made as follows; the whole of the nett produce being firſt divided into eight equal parts; the captain or captains of any ſhips or veſſels of war, who ſhall be actually on board at the taking of any prize, ſhall have three-eighth parts; but in caſe any ſuch prize ſhall be taken by any ſhips or veſſels of war, under the command of a flag or flags, the flag officer or officers, being actually on board or directing and aſſiſting in the capture, ſhall have one of the ſaid three eighth parts; the ſaid one-eighth part to be paid to ſuch flag or flag officers in ſuch proportions, and ſubject to ſuch regulations, as are hereinafter mentioned:

The captains of marines and land forces, ſea lieutenants, and maſter on board, ſhall have one eighth part, to be equally divided amongſt them: but that every phyſician appointed, or hereafter to be appointed to a fleet or ſquadron, ſhall, in the diſtribution of prizes which ſhall hereafter be taken by the ſhips in which he ſhall ſerve, or in which ſuch ſhip's company ſhall be entitled to ſhare, be claſſed with the ſea lieutenants with reſpect to the ſaid one-eighth part, and be allowed to ſhare equally with them: provided ſuch phyſician be actually on board at the time of taking ſuch prizes:

The lieutenants and quarter maſters of marines, and lieutenants, enſigns, and quarter maſters of land forces, ſecretaries of admirals or



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33 Geo. 3. c. 34. For the relief of captors of prizes with reſpect to the bringing and landing certain prize

of commodores with captains under them, boatſwains, gunners, purſer, carpenter, maſter's mates, chirurgeon, pilot, and chaplain on board, ſhall have one eighth part, to be equally divided amongſt them:

The midſhipmen, captain's clerk, maſter ſailmaker, carpenter's mates, boatſwain's mates, gunner's mates, maſter at arms, corporals, yeomen of the ſheets, cockſwain, quarter maſters, quarter maſter's mates, chirurgeon's mates, yeomen of the powder room, ſergeants of marines and land forces on board, ſhall have one-eighth part, to be equally divided amongſt them:

The trumpeters, quarter gunners, carpenter's crew, ſtewards, cook, armourer, ſteward's mate, cook's mate, gunſmith, cooper, ſwabber, ordinary trumpeter, barber, able ſeamen, ordinary ſeamen, and marines, and other ſoldiers, and all other perſons doing duty and aſſiſting on board, ſhall have two-eighth parts, to be equally divided amongſt them.

Provided, That if any officer being on board any ſhip of war at the time of taking any prize, ſhall have more commiſſions or offices than one, ſuch officer ſhall be entitled only to the ſhare or ſhares of the prizes which, according to the above mentioned diſtribution, ſhall belong to his ſuperior commiſſion or office. All commanders of ſhips and veſſels of war taking any prize are ſtrictly enjoined, as ſoon as may be, to tranſmit, or cauſe to be tranſmitted, to the Commiſſioners of the Navy, a true liſt of the names of all the officers, ſeamen, marines, ſoldiers, and others, who were actually on board our ſhips and veſſels of war under their command at the time of the capture; which liſt ſhall contain the quality of the ſervice of each perſon on board, and be ſubſcribed by the captain or commanding officer, and three or more of the chief officers on board. And the Commiſſioners of the Navy, or any three or more of them, are to examine, or cauſe to be examined, ſuch liſts by the muſter books of ſuch ſhips and veſſels of war, and liſts annexed thereto, to ſee that ſuch liſts do agree with the ſaid muſter books and annexed liſts, as to the names, qualities, or ratings, of the officers, ſeamen, marines, ſoldiers, and others belonging to ſuch ſhips and veſſels of war, and upon requeſt forthwith to grant a certificate of the truth of any liſt tranſmitted to them, to the agents nominated and appointed by the captors to take care and diſpoſe of ſuch prize; and alſo upon application to them (the ſaid commiſſioners) they ſhall give, or cauſe to be given, to the ſaid agents, all ſuch liſts from the muſter books of any ſuch ſhips of war, and annexed liſts, as the ſaid agents ſhall find requiſite for their direction in paying the produce of ſuch prizes, and otherwiſe ſhall be aiding and aſſiſting to the ſaid agents in all ſuch matters as ſhall be neceſſary.

*The following Regulations ſhall be obſerved concerning the One Eighth Part granted to the Flag, or Flag Officers, who ſhall actually be on board at the taking of any prize, or ſhall be directing or aſſiſting therein:*

Firſt, That a flag officer, commander in chief, when there is but one flag officer upon ſervice, ſhall have to his own uſe the ſaid one-eighth part of the prizes taken by ſhips and veſſels under his command: Secondly, That a flag officer, ſent to command at Jamaica, or elſewhere, ſhall have no right to any ſhare of prizes taken by ſhips of

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goods in this kingdom, an act was paſſed, of which the following is the ſubſtance of the moſt material ſections. 33 Geo. 3. c. 34.

veſſels employed there, before he arrives at the place to which he is ſent, and actually takes upon him the command: Thirdly, That when an inferior flag officer is ſent out to reinforce a ſuperior flag officer at Jamaica, or elſewhere, the ſuperior flag officer ſhall have no right to any ſhare of prizes taken by the inferior flag officer before the inferior flag officer ſhall arrive within the limits of the command of the ſuperior flag officer, and actually receive ſome order from him: Fourthly, That a chief flag officer returning home from Jamaica, or elſewhere, ſhall have no ſhare of the prizes taken by the ſhips or veſſels left behind to act under another command: Fifthly, That if a flag officer is ſent to command in the out-ports of this kingdom, he ſhall have no ſhare of the prizes taken by ſhips or veſſels, which have ſailed from that port by order from the Admiralty: Sixthly, That when more flag officers than one ſerve together, the eighth part of the prizes taken by any ſhips or veſſels of the fleet or ſquadron ſhall be divided in the following proportions, viz. If there be but two flag officers, the chief ſhall have two third parts of the ſaid one eighth part, and the other ſhall have the remaining third part; but if the number of flag officers be more than two, the chief ſhall have only one-half, and the other half ſhall be equally divided amongſt the other flag officers: Seventhly, That commodores with captains under them ſhall be eſteemed as flag officers with reſpect to the eighth part of prizes taken, whether commanding in chief or ſerving under command: Eighthly, That the firſt captain to the admiral and commander in chief of the fleet, and alſo the firſt captain to the flag officer appointed, or hereafter to be appointed, to command a fleet or ſquadron of twenty ſhips of the line of battle, ſhall be deemed and taken to be a flag officer, and ſhall be entitled to a part or ſhare of prizes, as the junior flag officer of ſuch fleet or ſquadron: And it is further ordered, that in the caſe of cutters, ſchooners, and other armed veſſels commanded by lieutenants, the ſhare of ſuch lieutenants ſhall be three eighth parts of the prize, unleſs ſuch lieutenants ſhall be under the command of a flag officer or officers; in which caſe the flag officer or officers ſhall have one of the ſaid three eighths, to be divided among ſuch flag officer or officers in the manner herein before directed in the caſe of captains ſerving under flag officers: Secondly, it is directed that the ſhare of the maſter or other perſon acting as ſecond in command, and the pilot (if there happen to be one on board), ſhall be one-eighth part, to be divided into three equal parts; of which two thirds ſhall go to the maſter or other perſon acting as ſecond in command, and the remaining one-third to the pilot; but if there be no pilot, then ſuch eighth part to go wholly to the maſter or perſon acting as ſecond in command: That the ſhare of the ſurgeon, or ſurgeon's mate (where there is no ſurgeon), midſhipmen, and clerk and ſteward, ſhall be one-eighth; that the ſhare of the boatſwain's, gunner's, and carpenter's mates, yeomen of the ſheets, ſailmaker, quarter maſter, and quarter maſter's mate, ſhall be one-eighth; and the ſhare of the ſeamen, marines, and other perſons on board, aſſiſting in the capture,

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33 Geo. 3. c. 34. Goods, wares, or merchandizes, taken during the continuation of the preſent hoſtilities, and brought into Great Britain by any of his Majeſty's ſhips of war, or any privateer, may, upon condemnation thereof as lawful prize, be landed within any port of this kingdom, and ſecured under the king's locks, in warehouſes provided at the ſole expence of the captors, with the privity and approbation, and under the care and inſpection reſpectively of the Commiſſioner of Cuſtoms and Exciſe; and upon admiſſion of any ſuch goods into ſuch warehouſes, there ſhall be paid by the captors or their agents the following duties; that is to ſay,

For every tun of wine or vinegar, containing 252 gallons, the ſum of 3l. if taken by a ſhip of war, or by a private veſſel: For every tun of brandy, containing 252 gallons, 2l. 5s. if taken by a ſhip of war, and 15s. if taken by a privateer: For every hundred weight of Corunna or Muſcovado ſugar, 6s. if taken by a ſhip of war, and 2s. if taken by a private veſſel: For every hundred weight of coffee, 10s. 6d. if taken by a ſhip of war, and 3s. 6d. if taken by a private veſſel: For every hundred weight of cocoa, 3s. 9d. if taken by a ſhip of war, and 1s. 3d. if taken by a private veſſel; and upon all other goods, wares, and mer-

ſhall be two-eighth parts. The above diſtribution ſhall only extend to ſuch captures as ſhall be made by any cutter, ſchooner, or armed veſſel, without any of his Majeſty's ſhips or veſſels of war being preſent or within ſight of, and adding to the encouragement of the captors, and terror of the enemy: but in caſe any of his Majeſty's ſhips or veſſels of war ſhall be preſent, or in ſight, that then the officers, pilots, petty officers, and men on board ſuch cutters and ſchooners, or armed veſſels, ſhall ſhare in the ſame proportion as is allowed to perſons of the like rank and denomination on board his Majeſty's ſhips and veſſels of war.

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chandizes, not particularly excepted, or otherwiſe charged with duty by this act, for every hundred pounds of the value, 7l. 10s. if taken by a ſhip of war, and 2l. 10s. if taken by a private veſſel. 33 Geo. 3 c. 34.

No duties whatever ſhall be taken for any prize goods conſiſting of military or ſhips' ſtores, viz. ſails, cordage, anchors and cables, maſts, yards, bowſprits, blocks, guns, gunpowder, ſhot, match, gun carriages, cartridges, and other materials thereunto belonging, and all timber and iron converted into and made fit for ſhip building, or for any of the uſes or purpoſes aforeſaid, ſalted beef, pork, and butter, biſcuit, ſmall beer, peaſe, and oatmeal, ſailors' clothes, hammocks, bedding, and apparatus and inſtruments belonging to ſurgeons, or for any goods which by any law in force on and immediately before the 1ſt day of May 1793 may be imported into this kingdom duty free. Prize goods, &c. may be imported duty free. Sect. 2.

All wheat, wheat meal, or flour, rye, barley, beer or bigg, oats, oatmeal, peaſe, beans, Indian corn and maize, taken and condemned as prize, ſhall, on being brought into any port of this kingdom, be warehouſed, and ſubject to ſuch rules, regulations, reſtrictions, duties, penalties, and forfeitures, as are provided in the act of 31 Geo. 3. c. 30. Prize wheat, &c. Sect. 3.

All goods of the growth, production, or manufacture of China or the Eaſt Indies, taken or condemned as prize, ſhall be publicly expoſed to ſale in the city of London, by the captors or their agents, notice of ſuch ſale being firſt given to the proper officer of the exciſe or cuſtoms reſpectively concerned therein; and ſuch goods ſhall be ſold on ſuch condi- East India or Chineſe prize goods.



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33 Geo. 3. c. 34. tions, and under ſuch rules, regulations, and reſtrictions, as are uſed and practiſed at the ſales of the Eaſt India Company, and the goods ſhall be ſubject to ſuch duties, and entitled to ſuch drawbacks, as like goods are ſubject and entitled to when imported by the Eaſt India Company, and the full duties due and payable on ſuch goods ſhall be paid in all caſes by the captors and their agents.

All the remaining ſections of this act relate, like the preceding ſections, to the duties and regulations for payment of theſe duties, upon different ſpecies of prize goods imported or exported.

34 Geo. 3. c. 70. By an act to exempt ſhips of war, and private ſhips or veſſels of war, taken as prize, from payment of duty,

No ſhip of war, nor any private ſhip or veſſel of war, which ſhall be taken from the enemy and legally condemned as prize, nor the ſails or any of the tackle, apparel, or furniture, belonging to ſuch ſhip or veſſel, ſhall be chargeable with, or liable to pay any duty whatever.

If ſuch duty ſhould have been paid ſince the commencement of hoſtilities in the preſent war, the Commiſſioners of the cuſtoms in England or Scotland may order ſuch duties to be repaid in ſuch manner as they ſhall judge proper.

*Additional Inſtructions to the Commanders of His Majeſty's Ships of War, and Privateers that may have Letters of Marque againſt France, 8th June, 1793.*

I. It ſhall be lawful to ſtop and detain all ſhips loaden wholly or in part with corn, flour,

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or meal, bound to any port in France, or any port occupied by the armies of France, and to ſend them to ſuch ports as ſhall be moſt convenient, in order that ſuch corn, meal, or flour, may be purchaſed on behalf of his Majeſty's government, and the ſhips be releaſed after ſuch purchaſe, and after a due allowance for freight; or that the maſters of ſuch ſhips, on giving ſecurity, to be approved of by the court of admiralty, be permitted to proceed to diſpoſe of their cargoes of corn, meal, or flour, in the ports of any country at amity with his Majeſty.

II. It ſhall be lawful for the commanders of his Majeſty's ſhips of war, and privateers that have or may have letters of marque againſt France, to ſeize all ſhips, whatever be their cargoes, that ſhall be found attempting to enter any blockaded port, and ſend the ſame for condemnation, together with their cargoes, except the ſhips of Denmark and Sweden, which ſhall not be prevented from entering on the firſt attempt, but on the ſecond ſhall be ſent in for condemnation.

In caſe his Majeſty ſhall declare any port to be blockaded, the commanders of his Majeſty's ſhips of war, or privateers that have or may have letters of marque againſt France, are hereby enjoined, if they meet with ſhips at ſea which appear from their papers to be bound to ſuch blockaded ports, but to have ſailed from the ports of their reſpective countries before the declarations of the blockade ſhall have arrived there, to advertiſe them thereof, and to admoniſh them to go to other ports; but they are not to moleſt them afterwards, unleſs it ſhall appear that they have



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continued their courſe with intent to enter the blockaded port, in which caſe they ſhall be ſubject to capture and condemnation; as ſhall likewiſe all ſhips, whereſoever found, that ſhall appear to have ſailed from their ports, bound to any port which his Majeſty ſhall declare to be blockaded, after ſuch declaration ſhall have been known in the country from whence they ſailed; and all ſhips which in the courſe of their voyage ſhall have received notice of the blockade, in any manner, and yet ſhall have purſued their courſe with intent to enter the ſame.

G. R.

*Additional Inſtructions to the Commanders of His Majeſty's Ships of War and Privateers, 24th June, 1797.*

Whereas we have thought it expedient that the ſubjects of the king of Spain ſhould be permitted, notwithſtanding the preſent hoſtilities, to import, *in veſſels not having more than one deck*, into the port of St. Joſef, in the iſland of Trinidada, any wool, cotton wool, indigo, cochineal, drugs of all ſorts, cocoa, tobacco, logwood, fuſtick, and all ſorts of wood for dyers' uſe, hides, ſkins and tallow, beaver and all ſorts of furs, tortoiſe ſhells, hardwood or mill-timber, mahogany and all other goods for cabinet ware, horſes, aſſes, mules, and cattle, being the growth and production of any of the colonies or plantations in America belonging to the crown of Spain, and all coin or bullion, diamonds, or precious ſtones, coming from thence; and likewiſe that they ſhould be permitted to export from the ſaid port of St. Joſef the ſaid goods and commodities, and alſo rum, the produce of any Britiſh iſland, and negroes which ſhall have been legally import-

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ed, and alſo all goods, wares, and merchandizes, which ſhall have been legally imported, except maſts, yards, or bowſprits, pitch, tar, turpentine, and tobacco, and alſo ſuch iron which ſhall have been brought from the Britiſh colonies in America: provided that ſuch veſſels ſhall conform, as well as in importing goods into the ſaid port of St. Joſef as in exporting them from thence, to the ſeveral regulations contained in the acts which permit foreign veſſels to import the ſaid goods into the free ports of Kingſton, Savannah-la-Mar, Montego Bay, St. Lucia and Antonio in the Iſland of Jamaica, the port of St. George in the Iſland of Grenada, the port of Roſeau in the Iſland of Dominica, the port of Naſſau in the Iſland of New Providence, and the port of St. John's in the Iſland of Antigua, and likewiſe to export the ſame reſpectively. The commanders of our ſhips of war, and ſhips commiſſioned with letters of marque, are hereby required and enjoined not to detain or moleſt any ſhips or veſſels belonging to the ſubjects of the crown of Spain, and coming from any port ſituated in the territories thereunto belonging in America, and bound to the ſaid port of St. Joſef, or returning from thence; and that they treat all ſuch ſhips as neutral ſhips engaged in a lawful neutral commerce, provided they have not more than one deck, and are *bona fide* employed in carrying on their trade conformably to the regulations of the ſaid acts, and have a licenſe for that purpoſe from the governor or commander in chief for the time being of the ſaid iſland: and, in caſe ſuch ſhips ſo licenſed ſhould be captured and brought into any port through miſapprehenſion, or breach of our order, our courts of



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admiralty and vice-admiralty are hereby required to liberate the ſame, as being under the protection of our ſpecial permiſſion.

PORTLAND.

*Additional Inſtructions to the Commanders of His Majeſty's Ships of War and Privateers, dated 20th November, 1797.*

Whereas we have thought it expedient that permiſſion ſhould be given to the ſubjects belonging to his Catholic majeſty having not more than one deck, to trade between the free ports eſtabliſhed in the Iſland of Jamaica, and alſo in the Bahama Iſlands, and the Spaniſh colonies in America, according to the regulations of the ſeveral acts for eſtabliſhing free ports in our Weſt-India Iſlands, notwithſtanding the preſent hoſtilities: And whereas we have thought it expedient, that, notwithſtanding the ſaid hoſtilities, permiſſion ſhould likewiſe be given to any Britiſh veſſels, navigated according to the laws now in force, to trade between the ſaid free ports in the iſland of Jamaica, and in the ſaid Bahama Iſlands, and the Spaniſh colonies in America; provided ſuch Britiſh and Spaniſh veſſels that ſhall ſo trade between Jamaica and the Spaniſh colonies ſhall have a licenſe from the governor or commander in chief of the Bahama Iſlands; and provided ſuch Britiſh and Spaniſh veſſels ſhall import into the free ports of Jamaica, and the Bahama Iſlands, ſuch goods only as are hereafter enumerated, viz. wool, cotton wool, indigo, cochineal, drugs of all ſorts, cocoa, tobacco, logwood, fuſtick, and all ſorts of dyers' wood for dyers' uſe, hides, ſkins, and tallow, beaver, and all ſorts of furs, tortoiſe ſhells, hardwood or mill-timber, mahogany,

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and all other woods for cabinet ware, horſes, aſſes, mules, and cattle, being the growth and production of any of the colonies or plantations in America, belonging to the crown of Spain, and all coin or bullion, diamonds, or precious ſtones, coming from thence; and provided ſuch Britiſh and Spaniſh veſſels ſhall export from ſuch free ports only the ſaid goods and commodities; and alſo rum, the produce of any Britiſh iſland, and negroes which ſhall have been legally imported; and alſo all goods, wares, merchandizes, and manufactures, which ſhall have been legally imported, except maſts, yards, or bowſprits, pitch, tar, turpentine, and all other naval and military ſtores, and tobacco. The commanders of ſhips of war, and of ſhips commiſſioned with letters of marque, are hereby required and enjoined not to detain or moleſt any ſuch Spaniſh veſſels, or any Britiſh veſſels trading between the free ports in the ſaid iſlands and the Spaniſh colonies in America, provided they are *bona fide* employed in carrying on their trade conformably to the reſpective regulations herein above deſcribed, and have a licenſe for that purpoſe from the governor or commander in chief of the ſaid iſlands reſpectively; and in caſe ſuch ſhips ſo licenſed ſhould be captured and brought into port, through miſapprehenſion, or breach of our order, our courts of admiralty and vice admiralty are hereby required to liberate the ſame, as being under the protection of our ſpecial commiſſion.

PORTLAND.



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## Poor Mariners and Soldiers.

ABOUT the ſame period, when the maintenance of the induſtrious poor occupied the attention of the Legiſlature, the ſick and maimed mariners and ſoldiers, preſſed and in pay, excited alſo their intereſt; and by the following ſtatutes, rates were made upon the ſeveral counties for their relief. Theſe acts indeed ſtill remain upon the ſtatute books, and ſhew the early attention of the Legiſlature to theſe meritorious claſſes of men; but ſince the magnificent and commodious eſtabliſhments of the two royal hoſpitals of Greenwich and Chelſea, to ſay nothing of the Cheſt at Chatham, theſe acts are now rendered little more than a dead letter.

34 Geo. 3. c. 70. Rates of pariſhes to poor ſoldiers and mariners. 43 Eliz. c. 3. ſ. 3.

The pariſhes are to be charged with a weekly ſum for the relief of ſick and maimed ſoldiers and mariners, having been preſſed and in pay, to be appointed by the juſtices at their Eaſter ſeſſions, ſo as no pariſh ſhall be rated above the ſum of 10d. nor under the ſum of 2d. to be paid weekly, and ſo as the total ſum of ſuch taxation in any county where there are above fifty pariſhes does not exceed the rate of 6d. for every pariſh.

How diſabled ſoldiers, mariners, &c. are to obtain relief. Sect. 8.

Diſabled ſoldiers or mariners to repair to the treaſurers of the county out of which they were preſſed, or, if no preſſed man, to the treaſurer of the county where he was born, or laſt inhabited for the ſpace of three years; and not being able to travel, he is to apply to the treaſurer of the county where he ſhall land or arrive, and ſhall produce a certificate under the hand and ſeal of the general of the camp, or

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governor of the town where he ſerved, and of the captain of the band under whom he ſerved, or from any admiral of the fleet, or from the captain of the ſhip where ſuch ſoldier or mariner ſerved, containing the particulars of his hurt and ſervices, which certificate ſhall be alſo allowed by the general muſter maſter reſident there, or the receiver-general of the muſter rolls, the treaſurer and comptroller of the navy; upon ſuch certificate the treaſurers aforeſaid ſhall at their diſcretion, according to the nature of his hurt and commendation of his ſervice, aſſign preſent relief, till the next quarter ſeſſions, at which it ſhall be lawful for the juſtices of peace, under their hands, to make an inſtrument of grant of the ſame, to endure as long as this act ſhall ſtand in force, which ſhall be a ſufficient warrant to all treaſurers of the ſame county to make payment of ſuch penſion quarterly, ſo that ſuch relief to any ſoldier or mariner having not borne office does not exceed 10*l. yearly*, nor to any having borne office under the degree of lieutenant 15l. and to lieutenants 20l. annually. 43 Eliz. c. 3.

The juſtices may revoke or alter the penſions at their quarter ſeſſions. Sect 9.

The treaſurers of the county where ſuch ſoldiers and mariners arrive ſhall give them, at their diſcretion, upon their certificates (though not allowed), any convenient relief for their journey to carry them to the next county, with a teſtimonial of their allowance, to paſs on to ſuch place, and the treaſurer of the next county to do the like, and ſo from county to county (in the direct way), till they come to the place where they are directly to find a maintenance. Treaſurer of the county where ſuch ſoldiers and mariners arrive to give them convenient relief, and paſs them on from county to county until they arrive at the place of maintenance. Sect. 10.



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Treaſurers of counties to keep books, and enter the ſums levied, and names of perſons to whom granted. 43 Eliz. c. 3. ſ. 11.

Every treaſurer in the ſeveral counties ſhall keep a book of computation of all ſuch ſums as they levied, and alſo a regiſter of the names of every perſon unto whom they have diſburſed any relief, and ſhall alſo preſerve and enter every certificate; and alſo the muſter maſter, or receiver-general of the muſter rolls, ſhall keep a book, and enter the names of ſuch whoſe certificates ſhall be by him allowed; and every treaſurer, returning or not accepting the certificate brought to him from the ſaid muſter maſter, ſhall write the cauſe of non-acceptance under the certificate, or on the back thereof.

Treaſurers refuſing to be fined by the juſtices. Sect. 12.

Treaſurers refuſing to grant relief to be fined by the juſtices at their diſcretion, in their quarterſeſſions, to be levied by diſtreſs.

Soldiers or mariners begging to be deemed common rogues Sect 13.

Soldiers or mariners, begging, or counterfeiting certificates, deemed common rogues and vagabonds, and ſhall ſuffer the like pains, impriſonment, &c.

Sect. 15.

Mayors, and head officers of corporate towns, to execute this act.

Forfeitures, how to be applied. Sect. 16.

Forfeitures by this act to be applied to the relief of ſoldiers and mariners; the relief to be given out of the county where preſſed, or, not preſſed men, in the county where born, or laſt inhabited three years.

If rate not ſufficient within the city of London, mayor, recorder, and aldermen, to levy a reaſonable tax. Sect. 19.

Should the ſaid rate be thought not ſufficient for the relief of ſuch ſoldiers and mariners within the city of London, the mayor, recorder, and aldermen, to levy a reaſonable tax, as ſhall by them be thought convenient, ſo as the ſum does not exceed 3s. weekly out of any pariſh, and ſo as in total it does not exceed or be under 12d. weekly out of every pariſh, one with another, within the ſaid city and liberties.



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No ſoldier, ſeaman, ſhipwright, or other artificer or workman employed in the king's ſervice, ſhall have any ſettlement in any pariſh, port town, or other town, by delivery and publication of a notice in writing, unleſs the ſame be after his diſmiſſion out of the ſervice.

No ſeamen, &c. to have any pariſh ſettlement, unleſs by producing notice in writing, except, &c. 3 W. & M. c. 11. ſ. 4.

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# Quarantine.

THE various acts of parliament and orders of council, relative to ſhips coming from infected countries, and more particularly the precautionary regulations which have been ſo recently made, are ſuch as not only to guard againſt the poſſibility of infection, but even to remove the apprehenſion that ſuch infection could poſſibly be communicated. Theſe latter regulations were ordered in conſequence of the alarm which pervaded the metropolis on account of the ſudden death of the two men employed in the Steel Yard to remove ſome prize cotton; an alarm which not without difficulty was removed.

26 Geo. 2 c. 6. ſ. 1 explained and enforced by 29 Geo. 2. c. 8.

All veſſels, perſons, and goods, coming from places ſubject to the plague, to perform quarantine, according to order of council, publiſhed in the Gazette.

How ſhips infected with the plague to the northward of Cape Finiſterre are to act. Sect. 2.

Ships infected with the plague to the northward of Cape Finiſterre are to proceed to New Grimſby, or St. Helen's Pool *, in the Iſlands of Scilly, and there give notice to ſome officer of the cuſtoms, who is to acquaint the officer of the cuſtoms of ſome port in England therewith, and ſuch officer is directed to ſend intelligence to one of the ſecretaries of ſtate, that proper meaſures may be taken in regard to the ſhips or veſſels ſo infected. The ſhip or ſhips are to remain in the ſaid iſlands of Scilly, until his Majeſty's pleaſure be known. But in caſe the maſter of a ſhip ſo infected cannot make Scilly, or be forced by ſtreſs of weather to run into either of the Channels, he is upon

* 29 Geo. 2. c. 8.

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no account to enter into any port, but remain in ſome open road till he receives orders from the privy council, and muſt take care to prevent any perſons from going out of the ſhip, and avoid all intercourſe with other ſhips or perſons. The maſter, or any perſon on board, who is diſobedient herein, ſhall be adjudged guilty of felony, and ſuffer death without benefit of clergy; to be tried in the county where ſuch offence is committed, or elſe in the county where the offender ſhall be apprehended. 26 Geo. 2. c. 6.

Officer of the cuſtoms to examine into the ſtate of ſhips coming from countries infected with the plague. Sect. 3.

The principal officer of the cuſtoms, or perſon authorized to ſee quarantine performed, is to examine into the ſtate of ſhips coming into port when any country has the plague, or when the king's order concerning quarantine is made; and if it ſhall appear that any perſon then on board ſuch ſhip is actually infected with the plague, it may be lawful for officers of king's ſhips, forts, or garriſons, and other officers whom it may concern, upon notice given to them, to oblige ſuch ſhip to go to the place that is appointed for performing quarantine, and to uſe all neceſſary means for that purpoſe, whether by firing guns upon her or other kinds of force. The maſter of ſuch ſhip coming from any place viſited by the plague, or having any perſon on board actually infected, and concealing the ſame, ſhall be adjudged guilty of felony, and ſuffer death without benefit of clergy; and ſuch maſter, not making a true diſcovery in other particulars, ſhall forfeit 200l. for every offence, one moiety of which to the king, and the other to the perſon that ſhall ſue for the ſame.

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Maſters of ſhips under quarantine to deliver to the proper officer the bill of health and manifeſt. 26 Geo. 2. c. 6. ſ. 4.

Maſters of ſhips ordered to perform quarantine, ſhall, after their arrival at the place appointed, deliver, on demand, to the chief officer appointed to ſee quarantine duly performed, the bill of health and manifeſt which they may have received from any Britiſh conſul during the voyage, together with the log book and journal, under penalty of 500l. one moiety of which to the king, and the other to the perſon that ſhall ſue for the ſame.

Penalty on perſons quitting the ſhip without licenſe. Sect. 5.

Maſters quitting the ſhip, or knowingly permitting any perſon to quit her, without licenſe, or not going with the ſhip and lading to the place of quarantine, ſhall forfeit 500l. Any perſon quitting the ſhip ſhall be compelled to return, and ſhall ſuffer ſix months impriſonment, and ſhall forfeit 200l.

Sect. 6.

The king may, with conſent of parliament, erect lazarets, on waſte grounds, or on private grounds, making ſatisfaction to the owners.

Sect. 7.

The proper officers are to compel perſons and goods, obliged to perform quarantine, to repair to ſuch lazarets as ſhall be provided.

Perſons eſcaping from lazarets, or refuſing to repair thither, to be judged guilty of felony. Sect. 8.

All perſons obliged to perform quarantine, refuſing or neglecting to repair to the lazaret, or other place appointed, within convenient time after due notice, or eſcaping from a lazaret before quarantine is fully performed, may be compelled to repair or return to ſuch lazaret by the watchmen or other perſons appointed to ſee quarantine performed; and ſuch perſons refuſing to go, or eſcaping from a lazaret, ſhall be adjudged guilty of felony, and ſuffer death without benefit of clergy.

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All perſons liable to quarantine, whether in ſhips, lazarets, or elſewhere, ſhall be ſubject, during the time, to the orders of the officers authorized to ſee it duly performed, who are empowered to enforce all neceſſary obedience, and may, in caſe of neceſſity, call in others to their aſſiſtance. Officers appointed to ſee quarantine performed to enforce all neceſſary obedience. 26 Geo. 2. c. 6. ſ. 9.

Sound perſons, entering a lazaret where the infection is, ſhall ſtay there and perform quarantine, and eſcaping ſhall ſuffer death. Sect. 10.

Any officer, neglecting his duty in regard to quarantine, ſhall forfeit his office, and 100l.; and embezzling goods, he ſhall pay treble damages, and full coſts of ſuit. Sect. 11.

Goods ſpecified in any orders concerning quarantine are ſubject thereto, whatever country they may come from. Sect. 12.

Upon proof that a ſhip has performed quarantine, and is free from infection, ſhe is to be diſcharged. Sect. 13.

Officers or other perſons demanding any fee or reward for oaths and certificates adminiſtered or made in purſuance of this act, ſhall forfeit 100l. one moiety of which to the king, and the other to the perſon that ſhall ſue for the ſame. Sect. 16.

All goods and merchandize ſubject to quarantine to be opened and aired in ſuch places as ſhall be appointed; and upon certificate being given by the chief officer appointed to ſuperintend ſuch airing, and proof made thereof by two or more credible witneſſes on oath, and tranſmitted to the Commiſſioners of the Cuſtoms of Great Britain or Ireland, or to the Governor of the Iſles of Guernſey, Jerſey, &c. Merchandize ſubject to quarantine to be aired in ſuch places as ſhall be appointed, &c. Sect. 15.

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26 Geo. 2. c 6, such goods and merchandize shall be discharged from any restraint or detention, by order from the said commissioners or governor, &c.; for which oath, certificate, and order, no fee or reward shall be demanded or taken.

Sect. 17. Superintendant of quarantine, or watchman, neglecting his duty, or officer giving a false certificate, shall suffer death.

Sect. 18. Persons concealing, or clandestinely conveying letters or goods subject to quarantine, shall suffer death.

Masters of boats and small vessels to give security not to touch at places infected with the plague. Sect. 19. When any part of Great Britain, Ireland, or the Isles of Guernsey, Jersey, Alderney, Sark, or Man, or France, Spain, Portugal, or Low Countries, are infected with the plague, his Majesty, by proclamation to prohibit small boats and vessels under the burthen of twenty tons from sailing or passing out of any ports of Great Britain or Ireland, or the said islands, until security be given by the master, by bond with sufficient sureties in the penalty of *three hundred pounds*, that such boat or vessel shall not touch at any port mentioned for that purpose in the said proclamation; and if such master, and other persons belonging to her, shall not go on board any other ship at sea, nor permit other persons to come on board, and shall not during the time aforesaid receive any goods from other ships, then such bond shall be void, and for which bond no fee or reward shall be taken. Any boats or vessels sailing without giving the security required by proclamation shall be forfeited to the king, and the master and mariners, being lawfully convicted upon oath of one or more credible witnesses before a justice of peace, shall forfeit 20l.

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one moiety to the informer, and the other to the poor of the parish where such offender shall be found, to be levied by distress, and in default thereof to be committed to prison for the space of three months. 26 Geo. 2. c 6.

Orders concerning quarantine to be read in churches the next sunday after the receipt of the same, and the first Sunday in every month afterwards during the time such orders shall continue in force. Orders concerning quarantine to be read in churches, &c. Sect. 20.

The proper officers of the customs appointed to see quarantine duly performed shall demand of the master of every ship or vessel a true account of the following particulars, viz. whether the ship he commands touched at the Isle of Rhodes, the Morea, or any part of the coast of Africa within the Mediterranean or Levant seas, or the port of Mogadore; or whether any person on board had any communication with ships from any of the above-mentioned places? what pilots or other persons from the shores of Great Britain, Scilly, Guernsey, &c. have been on board, or had communication with the ship's company during the voyage homewards? and whether any person had been sick during the voyage, and of what disorder, or if any person is sick at that time? And should the master give a false answer to any particulars required, he shall forfeit 200l. Questions to be demanded by officers appointed to see quarantine duly performed. 28Geo. 3. c. 34.

All orders in council, or any regulations therein contained, respecting quarantine, and now in force, the publication thereof in the Gazette must be deemed sufficient notice to all persons concerned. Ibid.

The master of every ship liable to perform quarantine, in case of falling in with any ship Ships under quarantine to display certain signals.



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38 Geo. 3. c. 34. at ſea, or within four leagues of the coaſts of Great Britain, Ireland, Guernſey, &c. ſhall hoiſt a large yellow flag at the main topmaſt head in the day time, and ſhew a light at the ſame maſt head in the night time, under forfeiture of 200l.

Offences againſt this act to be tried in any county in Great Britain.

Offences committed againſt this act, or any order or proclamation reſpecting quarantine, may be tried in any county in Great Britain, or in the proper courts of Guernſey, Jerſey, &c.

What ſignals to be made. 38 Geo. 3. c. 33. ſ. 1.

Every commander of any ſhip or veſſel liable to the performance of quarantine ſhall, from the firſt of January 1799, at all times when ſuch ſhip or veſſel ſhall meet with any other ſhip or veſſel at ſea, or ſhall be within four leagues of the coaſt of Great Britain or Ireland, or the Iſles of Guernſey, Jerſey, Alderney, Sark, or Man, hoiſt a ſignal, to denote that his veſſel is liable to the performance, which ſignal ſhall be in the day-time a large yellow flag, of ſix breadths of bunting, at the main topmaſt head, and in the night-time a large ſignal-lantern, ſuch as is commonly uſed on board his Majeſty's ſhips of war, with a light, at the ſame maſt head; and ſuch commander ſhall keep the ſignal hoiſted during ſuch time as the ſhip or veſſel ſhall continue within ſight of ſuch other ſhip or veſſel, or within four leagues of the ſaid coaſts or iſlands, and until ſhe ſhall be legally diſcharged from the performance of quarantine; on failure whereof, ſuch commander ſhall forfeit for every offence 200l.

Pilots ſect. 2.

If any pilot ſhall conduct any ſhip or veſſel liable to the performance of quarantine into any



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place which ſhall not be appointed for the reception of ſhips and veſſels ſo liable to the performance of quarantine, unleſs compelled by ſtreſs of weather, ſuch pilot ſhall forfeit 100l. 38 Geo. 3 c. 33.

Quarantine acts to extend to all diſeaſes declared infectious by publication in the Gazette, whether ſuch diſeaſes be denominated *the Plague* or not.



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## Seamen's Wages.

THE ſeveral acts of parliament paſſed on different occaſions for the increaſe and encouragement of ſeamen in his Majeſty's Navy, have greatly tended to augment the marine force of this realm: upon which the ſecurity of theſe kingdoms, and the ſupport and preſervation of their trade and commerce do immediately depend. The increaſing ſtrength of our Navy having at different times made many additional alterations neceſſary, to the ſimple ſyſtem originally eſtabliſhed in its infancy for the payment of ſeamen's wages; and the ſeveral acts paſſed in the reigns of King William, Queen Anne, and George the Firſt, having been found by experience in a great meaſure ineffectual to anſwer the benevolent purpoſes of protection and encouragement for which they were intended, it therefore, in the year 1758, excited the attention of Mr. Grenville, then Treaſurer of the Navy, to prepare a bill for the conſideration of parliament, which had for its object the repealing of former acts reſpecting the payment of ſeamen's wages in the Navy *, and conſolidating more efficaciouſly the benefit and protection for which they were intended: as well as eſtabliſhing ſome new regulations which time and circumſtances appeared neceſſary to ſuggeſt. This bill accordingly paſſed into a law *, and is entitled, "An Act for the Encouragement of Seamen employed in the Royal Navy, and for eſtabliſhing a regular Method, for the punctual, frequent, and certain Payment of their Wages, and for enabling them more eaſily and readily to remit the ſame for the Support of their Wives and Families, and for preventing Frauds and Abuſes attending ſuch Payments." By this act ſeamen, either at home or on foreign ſervice, were provided with the means

* 31 Geo. II c. 10.



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of remitting by bill a part of their wages for the ſupport of their wives and families. Tickets were made out and tranſmitted to the Navy Office, which enabled their relations to receive immediately the wages of ſuch as died abroad. Such modes were preſcribed for witneſſing the powers made by ſeamen, as were expected to put a ſtop to fraud and forgery; and the great object of all the regulations which it eſtabliſhed and embraced, appears to have been to remove the difficulties, delays, and diſappointments, which ſeamen and their repreſentatives encountered prior to that period in recovering the wages to which they were juſtly entitled. This act accordingly became the foundation of the ſyſtem upon which ſeamen's wages have ſince been paid. But after the experience of many years, more eſpecially towards the concluſion of the late war, it was found, that the mode eſtabliſhed for making and witneſſing powers of attorney, and the want of proper regulations reſpecting ſeamen's wills, were inſufficient to guard againſt impoſition and forgery; which for ſome years after the concluſion of the war had become ſo much the practice among ſeamen, that ſums to a large amount were annually paid to fictitious authorities; by which the public ſuffered in the firſt inſtance, and in the ſecond individuals, who incurred heavy expences in proving the exiſtence of forgeries in order to ſubſtantiate their own claims. Seamen were oppreſſed and diſguſted by the diſappointments they experienced, on finding their wages paid to thoſe who had no authority from them; and the facility with which impoſitions were practiſed, was the occaſion of many perſons ſuffering public puniſhments, by tempting them to commit frauds which appeared eaſy in the execution. To remove theſe evils a bill was in the year 1786 introduced into parliament by Mr. Dundas, eſtabliſhing ſpecific modes for executing wills and powers of attorney in every ſituation in which a ſeaman could be placed, and appointing an officer expreſsly for the purpoſe of examining and enquiring into the authenticity of theſe inſtruments: this was entitled *,—"An Act for the further preventing

* 26 Geo. III. 6.



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Frauds and Abuſes attending the Payment of Wages, Prize Money, and other Allowances due for the Service of Petty Officers and Seamen on board any of his Majeſty's Ships." The regulations contained in this act relative to making wills and powers were eaſy in the execution, and by the experience of upwards of twelve years have been found nearly complete in their effect, having effectually ſtopped that ſyſtem of fraud and impoſition which had waſted the public money, diſtreſſed individuals, and created much diſcontent and diſſatisfaction among the inferior claſſes of the Navy. Mr. Dundas upon longer acquaintance with the different modes of payment practiſed in his office, found that the manner of witneſſing ſeamen's wills and powers was not the only point in which the act of 31 Geo. II. c. 10. would admit of being amended; but by the effect of proper regulations a wide field was left for improvement, and much was ſtill poſſible to be added to the comfort and convenience of ſeamen and their families, without increaſing the expences of the public.

With theſe laudable impreſſions Mr. Dundas, in the ſeſſion of 1792 * brought forward three ſeparate bills, which, from the liberal and benevolent objects of improvement they embraced, met with no difficulty in paſſing. The firſt was entitled †, "An Act for explaining and amending an Act paſſed in the 26th Year of the Reign of his preſent Majeſty, and for *further extending the Benefits thereof to Petty Officers and Seamen, Non-commiſſioned Officers of Marines, and Marines ſerving*, or who may have ſerved on board any of his Majeſty's Ships;" the principal objects of which are,—1ſt. Extending to marines ſerving in the Navy the liberty of remitting a part of their wages to their families; to allow them the privilege of being paid by tickets, and other advantages afforded by the act of 31 Geo. II. to Seamen only: 2d. Enabling ſeamen who may be removed abroad from one ſhip to another, and perhaps afterwards to a third or fourth, to receive upon their arrival at any port in England, where wages are paid, all the pay to

* 32 Geo. III. † Stat. 32 Geo. III.

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which they are entitled for their paſt ſervices; to empower ſuch as are diſabled in the ſervice to receive their pay from the revenue officer neareſt to the place where they arrive, or where they reſide, without obliging them to travel, as has hitherto been the caſe, from a remote part of the kingdom to London, to Portſmouth, to Plymouth, or to Chatham; and without making them wait till the arrival of the different ſhips in which they had ſucceſſively ſerved, which might be often kept on foreign ſervice for many years; enabling them likewiſe to receive their pay, without waiting for the return of their ſhips, if left on ſhore at hoſpitals: 3d. To ſtop the practice too common with officers of the navy, of anticipating their pay, by aſſigning to agents and others, not only ſuch part as was due at the time of the tranſaction, but alſo ſuch as they expected to receive for their future ſervices; thereby extending to officers a principle which had been applied by the act 31 Geo. II. to ſeamen only: 4th. To ſtop the practice of taking ſeamen out of the ſervice by fraudulent arreſts, ſtill continued, notwithſtanding the regulations of former acts: by thoſe acts ſeamen were exempted from arreſts for any ſum under 20l.; they were truſted therefore till their debts exceeded that amount, and then impriſoned; by purpoſely granting fictitious notes alſo, and procuring themſelves to be arreſted thereon, ſeamen often avoided going on particular duties, to the detriment of the public ſervice.

The ſecond, entitled *, "An Act for explaining and amending an Act paſſed in the 26th Year of the Reign of his preſent Majeſty, and for further extending the Benefits thereof to Petty Officers and Seamen, Non-commiſſioned Officers of Marines, and Marines ſerving, or who may have ſerved, on board any of his Majeſty's Ships." The objects of this act relate principally to the wives, the families, and relations of ſeamen, enabling them in the moſt remote ſituations to receive their allowances from the public, without the aſſiſtance or interference of agents or attorneys; and by making the money paſs immediately from the

* Stat 32 Geo. III 6.



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public purſe into the hands of the party entitled thereto, to put a ſtop to the heavy deductions and abatements which are almoſt always made when a third perſon is employed: this is done by means of remittances, and is alſo an extenſion of a principle introduced by former acts. Under the regulations of this act, the widow, the child, the father, or other relation, the perſon entitled by will, or even the fair creditor of deceaſed ſeamen, who have ſerved in the navy, has only to make application by letter to the Treaſurer of the Navy, ſtating his connexion or relation to the deceaſed, and the nature of his expectations from his eſtate; and deſiring that all the wages and allowances due may be remitted to him, at whatever place he finds moſt convenient. No acquaintance with the proceedings or forms of office is neceſſary. In conſequence of the firſt application the neceſſary papers and vouchers are ſent to be executed; and as ſoon after as the ſteps for examination can be taken, and the juſtneſs of the claim is admitted, a bill is ſent for the clear balance due, payable by the revenue officer moſt convenient to the party, without fee, deduction, or abatement. This act eſtabliſhes ſeveral regulations long found neceſſary and ſecretly practiſed in the payment of the navy, in order to prevent deſertions; but which, having no other authority than the practice of office, were incapable of being enforced; and likewiſe ſome ſalutary regulations relative to the more certain and ſpeedy payment of prize money, and other regulations.

The third act * extends the benefits of all the former acts to ſeamen and their families who reſide in Ireland, gives them the ſame powers of remitting wages and penſions to themſelves and families, and puts them in every reſpect upon the ſame footing with ſeamen and their families who reſide in Great Britain.

The laſt act paſſed on this occaſion, (which, while it is moſt beneficial to the intereſt of that invaluable claſs of men for whoſe benefit it was propoſed, combines the wiſeſt policy with that humanity, liberality, and gratitude, for

* 37 Geo. III. c 53.

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which Great Britain has ever been diſtinguiſhed towards her brave defenders,) is entitled, "An Act for carrying into Execution his Majeſty's Order in Council of the 3d of May 1797, for an Increaſe of Pay and Proviſions to the Seamen and Marines ſerving in his Majeſty's Navy; and to amend ſo much of an Act made in the 35th Year of the reign of his preſent Majeſty, as enables Petty Officers and Seamen, Non-commiſſioned Officers of Marines, and Marines, to allot Part of their Pay for the Maintenance of their Wives, Children, or Mothers."

This act is formed upon his Majeſty's order in council for an *increaſe to the allowance* of wages and proviſions for the petty officers, ſeamen, landſmen, and marines; and for a continuation of the pay of all petty officers, ſeamen, landſmen, and marines, who may hereafter be wounded in action with the enemy, until their wounds ſhall be healed, or ſome other proviſion ſhall be made for them. By the firſt clauſe of this act the following additions are made to the wages—viz, 5s. 6d. per month in addition to the wages of the petty officers and able ſeamen; an addition of 4s. 6d. per month to the wages of landſmen; and to the marines when embarked and ſerving on board his Majeſty's ſhips, the allowances uſually called conſolidated allowances, made to marines when ſerving on ſhore—viz. to ſerjeants, corporals, and drummers, at the rate of two-pence, and to privates at the rate of two-pence farthing per day; and with reſpect to proviſions, *the full allowance* is to be iſſued to the crews of his Majeſty's ſhips, without any deduction whatſoever on account of leakage or waſte.

Thus has the wiſdom of the Britiſh Legiſlature increaſed the comforts of ſeamen as far as relates to wages and proviſions; but that wiſdom ſtopped not here, ſince by an humane regulation we find it enacted in the 2d clauſe of this act, "That all petty officers, able ſeamen, landſmen, and marines, who may hereafter be wounded in action with the enemy, ſhall receive the full amount of their wages and

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allowances until their wounds ſhall be healed; or until, being declared incurable, they ſhall receive a penſion from the Cheſt at Chatham, or be admitted into the Royal Hoſpital at Greenwich."

The 3d ſection empowers the Commiſſioners of his Majeſty's Navy to direct the Treaſurer of the Navy, or any receiver general of land tax, collector of cuſtoms, or collector of exciſe, or clerk of the cheque, to whom an allotment ſhall have been made purſuant to the act of 35 Geo. III. c. 28. to increaſe the allowance to the wives or mothers of petty officers or ſeamen, non-commiſſioned officers of marines, or marines, in a proportion equal to half the increaſed pay provided by this act; and which ſhall thereupon be paid in the ſame manner as if ſuch declaration and order of allotment had been originally, according to the rate of half the pay of ſuch petty officers, ſeamen, and marines, as by this act is provided. This calculation is to be made as nearly equal as may be to half the pay, and to be calculated according to a ſchedule annexed to the act.

From the brief view we have given of this ſubject, taking alſo into conſideration the flouriſhing ſtate of the Navy, it may be juſtly inferred, that the many ſalutary laws and regulations which have from time to time been wiſely framed for the encouragement of ſeamen in the royal navy, for their government when on board, and for conferring privileges and rewards on them during and after ſervice, have now been raiſed to an higher degree of excellence than is known to other ſtates: it is ever conſiſtent with the ſound policy of a free and maritime nation, moſt aſſiduouſly to continue to cultivate every meaſure, which at the ſame time that it adds to the comfort of our brave mariners, reminds them that their ſervices are duly appretiated by their country.

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## REGULATIONS RELATIVE TO THE WAGES OF OFFICERS, SEAMEN, &c. IN THE ROYAL NAVY.

*Abſtract of the ſeveral Acts of Parliament now in force relating to the Payment of the Wages of Petty Officers and Seamen, Non-commiſſioned Officers of Marines, and Marines, ſerving on board the Royal Navy of Great Britain.*

31 Geo. II. c. 10. 2 Geo. III. c. 63.
3 Geo. III. c. 16. 32 Geo. III. c. 33, 34. & 67.

Every volunteer who ſhall enter his name with any officer appointed for entering volunteers, ſhall be entitled to wages from the date of his entry, provided he ſhall appear on board his ſhip within fourteen days thereafter; if his ſhip be diſtant more than 100 miles, he ſhall be allowed twenty days to join it, and thirty days, if the diſtance exceeds 200 miles; he ſhall likewiſe be entitled to the uſual conduct money and two months advance wages at the firſt fitting out of the ſhip, which ſhall be paid before it proceeds to ſea; and all petty officers, ſeamen, and marines ſhall be entitled to the like advance of two months wages, before the ſhip they are on board of ſhall ſail, in caſe they ſhould not have received the ſame before.

31 Geo. 2. c. 10. Entry of volunteers, and advance money.

Monies granted or to be granted by parliament for the ſervice of the navy, ſhall in the firſt place be applied for the regular payments of all tickets, and for the regular diſcharge of all wages due or to grow due, in manner following, that is to ſay, as often as any ſhip ſhall have been at ſea pay, twelve calendar months or more, ſhall be or arrive at any port of Great Britain, or on the coaſt thereof, the captain or commander ſhall immediately cauſe five complete pay books to be made out for all the time ſuch ſhip

31 Geo. 2. c. 10. 32 Geo. 3. c. 34. Payment of tickets and wages.

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31 Geo. 2. c. 10
32 Geo 3. c. 33.

shall have been in pay, except the last six months, and shall forthwith transmit by the first safe opportunity, such books, together with three alphabets and slop book to the Commissioners of the Navy at their board; and as soon as such ship shall be or arrive at any port of Great Britain where there is a Commissioner of the Navy, shall immediately solicit the necessary sums of money, and cause payment to be made of the wages due, deducting the advance money and all defalcations, and leaving always the wages due for the last six months, and for the time employed in preparing the books, unpaid, and no more; and all the wages due upon any ship shall be paid as soon as may be, or within two months at fartheſt, after the arrival of such ship in port, to be laid up.

Payment of the wages of absentees.

If any inferior officer, seaman, or marine, who shall have been absent at the payment of the ship upon leave, upon any detached service, from having been taken by the enemy, or cast away, shall make application for payment of his wages in person, or through his commander, to the Commissioners of the Navy at their board, or to any Commissioner of the Navy at any port of Great Britain, where any book, or extracts or lists made from the same, to be sent to whichever of the above places the party may be, and the wages forthwith to be paid; but if his ship shall not be paid, and he shall be left behind upon any detached service, when it proceeds on foreign service. Tickets, upon application from the captain of the ship on board of which he shall be ordered to serve, shall be made out from the muster book, but which shall not be payable until such ship shall come in course of payment, or until he shall be regularly discharged therefrom. When the pay books are closed, tickets

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ſhall, upon application be made out at the Navy Office, to the inferior officers, ſeamen, and marines, who ſhall not have received their wages, and ſuch tickets ſhall be paid in courſe of once a month. 31 Geo. 2. c. 10. 32 Geo. 3. c. 33.

Every petty officer, ſeaman, or marine, who ſhall be in any way diſcharged from any ſhip, ſhall receive from his captain or commander a certificate of his time and ſervice (blank copies of which certificates ſhall be iſſued to all captains and commanders by the Commiſſioners of the Navy when they ſhall demand the ſame); and no inferior officer, ſeaman, or marine ſhall receive any wages, nor ſhall ſuch wages be paid to his order, or to his power of attorney, or to his heirs or executors, unleſs ſuch certificate be produced, or unleſs he ſhall be identified by a commiſſioned or warrant officer, who belonged to the ſhip at ſome part of his time in ſervice; and if he ſhall have been taken by the enemy, or caſt away, he ſhall not be paid his wages, unleſs he ſhall have appeared on board of a king's ſhip at a reaſonable time thereafter, or unleſs in any of theſe caſes he ſhall ſhew a reaſonable cauſe for not complying with theſe directions, that ſhall be admitted as ſuch by the commiſſioners comptrolling, and the clerk of the treaſurer then paying: and wages due to any perſon who ſhall be marked upon the ſhip's books, and to have run from the ſervice, ſhall not be payable unleſs ſuch mark ſhall be taken off by order of the Commiſſioners of the Navy. Payments to perſons diſcharged or run, and to perſons captured or caſt away. 32 Geo. 3. c. 34. and 67.

Every inferior officer, or ſeaman, who ſhall be turned over, when at a port of Great Britain, where a Commiſſioner of the Navy may be, ſhall be paid for the ſhip from which he ſhall Pay to inferior officers turned over in Great Britain. 31 Geo. 2. c. 10.

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31 Car. 2. c. 10. be ſo removed, before that into which he ſhall go proceeds to ſea, unleſs otherwiſe ordered by the Admiralty in caſes of the greateſt exigency only, in which cate the wages ſhall be paid as ſoon as ſuch ſhip ſhall come again into any port of Great Britain where there ſhall be a Commiſſioner of the Navy.

Pay to perſons turned over abroad.
32 Geo. 3. c. 33. When any inferior officer, ſeaman, or marine ſhall be removed from one ſhip to another while abroad, or where no Commiſſioner of the Navy ſhall reſide, he ſhall receive a reſerve ticket for the time he ſhall have ſerved in the ſhip from which he ſhall be turned over, which ſhall not be ſaleable or transferable, but for which he ſhall receive payment by applying in perſon at any one of the pay offices in London, Portſmouth, Plymouth, or Chatham, provided he ſhall appear to have regularly entered, and to have been three times muſtered in the ſhip into which he was turned over, or appear upon the books to have been regularly diſcharged therefrom.

Perſons diſcharged as unſerviceable into ſick quarters. If he ſhall be diſcharged from his ſhip unſerviceable at home or abroad, or be ſent ſick into any hoſpital or ſick quarters at home or abroad, he ſhall receive from his captain or commander a ticket in like manner; and if after being received into any ſuch hoſpital or ſick quarters he ſhall be diſcharged unſerviceable therefrom, he ſhall alſo receive from the agent of ſuch hoſpital a certificate of his diſcharge, and upon preſenting ſuch ticket and diſcharge from ſuch hoſpital, at any of the pay-offices above-mentioned, together with a certificate of his having received no wages for his ſervices on his paſſage home; if he ſhall have come home in a packet or merchantman, he ſhall receive payment thereof, and ſhall be ſent by the com-

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miſſioner to the neareſt hoſpital, where he ſhall be received and victualled, from the time of preſenting his ticket till he be paid; and if he ſhall be or arrive in any other port of Great Britain or Ireland, he ſhall preſent his tickets and certificates to any collector of the cuſtoms, collector of the exciſe, receiver general of the land tax, or clerk of the check, who may be or reſide at that place, and the collector, receiver, or clerk of the check, being ſatisfied as to his identity, ſhall forward the ſaid tickets and certificates to the Commiſſioners of the Navy, in London, who will return a bill for the amount of the wages due thereon, and which bill ſhall be payable by ſuch collector or receiver, in the manner more particularly deſcribed in the 9th clauſe of this abſtract: if any ſuch remove tickets ſhould be unavoidably loſt or deſtroyed, the party or his heirs ſhall be entitled to receive whatever ſhall be due to them, upon other tickets to be made out from the muſter books, or upon the ſhip's books, if the ſhip ſhall be then paid for the time: if the petty officer, ſeaman, or marine, who ſhall have been ſent ſick as aforeſaid to any hoſpital or ſick quarters, ſhall be diſcharged therefrom, to return to his ſhip, he ſhall leave his ticket with the agent; but if he ſhall be diſcharged to go on board any other ſhip, he ſhall carry his ticket with him, but which ſhall not be payable until he ſhall be diſcharged therefrom; and when ſuch petty officers, ſeamen, and marines, ſhall be at any time ſick on ſhore, the agent of the hoſpital or ſick quarters ſhall make out a liſt, containing their names and numbers at which they ſtood in the ſhip's books, to which he ſhall procure the ſignature of the officer who conducted them on ſhore, and as ſoon after- 32 Geo. 3. c. 33.

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32 Geo. 3 c. 33. wards as poſſible that of the commander or captain of the ſhip from which they were ſent.

Perſons dying on board.

When any inferior officer, or ſeaman, or marine ſhall die on board, a dead ticket ſhall be tranſmitted by the firſt opportunity to the Commiſſioners of the Navy, for the wages due to him, as alſo annexed thereto a liſt or bill for the value of the clothes and effects (if any) which he may have left, and the ſaid commiſſioners ſhall aſſign the ſame for payment within one month from the time from which they ſhall receive it, and, upon application, cauſe it to be delivered for the benefit of the heirs or executors of the party.

Payment of ſix months wages when twelve are due, to certain relations 31 Geo. 2. c. 10. 32 Geo 3. c. 33. & 67.

As often as any ſhip, not being in a port of Great Britain, or on the coaſt thereof, ſhall have twelve calendar months wages due, the captain or commander ſhall cauſe the names of all the inferior officers, ſeamen, or marines, to be called over, and each to anſwer his name, and ſhall do the ſame at the end of every ſix months, when twelve calendar months wages, or more ſhall be due; and if any ſuch officer, ſeaman, or marine ſhall then declare or deliver in writing the name and place of abode of his wife, father, mother, grandfather, grandmother, brother, or ſiſter, and deſire that the whole, or any part of his wages then due, (except the wages due for laſt ſix months,) ſhould be paid to any ſuch relations by any receiver general of the land tax, collector of the cuſtoms, collector of the exciſe, or clerk of the check, in Great Britain, or by any revenue officer, in Ireland, the captain or commander is ſtrictly required to cauſe four liſts to be made out, of the perſons ſo deſiring to make ſuch remittances, and ſhall tranſmit liſts by the firſt ſafe opportunity to the Commiſſioners of

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the Navy at their board, who, on receipt thereof, shall immediately make out two bills, if payment is required to be made in Great Britain, or two certificates if to be made in Ireland, for the payment of the wages allotted by each person, one of which bills or certificates shall be sent to the persons respectively specified in such lists, and the other to such receiver, collector, or clerk of the check, or commissioners of the revenue in Ireland. 31 Geo. 2. c. 10. 32 Geo. 3. c. 33. & 67.

And if the person to whom any such bills are sent, shall within six months from the date thereof deliver the same to such receiver, collector, or clerk of the check, together with a certificate that such person is the wife, father, mother, grandfather, grandmother, brother, or sister, (as the case may be), of such officer, seaman, or marine respectively, under the hand of the minister and churchwardens, or in Scotland of the minister and two elders of the parish where such person was married or resides, such receiver, collector, or clerk of the check, upon being satisfied of the truth of such certificate by examining the party upon oath, or otherwise, is immediately, without fee or reward, to pay the sum mentioned in such bill, taking a receipt; such bill or certificate, together with the duplicate thereof, being produced at the Navy Office, shall be immediately assigned payment by the Commissioners of the Navy, and repaid by the Treasurer of the Navy to such receiver, collector, or clerk of the check, or to the commissioners of the revenue in Ireland or their order respectively: but if payment of the said bill be not demanded of such receiver, collector, or clerk of the check, and the duplicate of the said bill, together with a proper certificate, be not produced and delivered to



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31 Geo. 2. c. 10. 32 Geo. 3. c. 33. & 67.

them respectively within six months from the date thereof, the bill or certificate is to be returned and cancelled, and the sum contained therein is to become payable to such inferior officer, seaman, or marine, when the ship shall be paid.

Payments to persons not being in London, or where seamen's wages are paid.

When wages shall be due to inferior officers, seamen, or marines, who shall have been discharged unserviceable, or to the heirs or executors of inferior officers, seamen, or marines, or to those who shall administer as their principal creditors, and who in either case shall not be in London, or at any of the ports where seamen's wages are paid, (or when wages shall be paid at the pay office, or any of the out ports), if any inferior officer, seaman, or marine shall be desirous to remit the whole or part of his wages to himself, his wife, children, parents, or any other person, and to have a bill or certificate for the same drawn upon any such receiver general, collector, or clerk of the check, or commissioners of the revenue in Ireland, then, in each of these cases, two bills or two certificates are to be made out, one of which is to be delivered to such officer, seaman, or marine, or sent or delivered to such heir, executor, or creditor, and the other to be sent to the receiver, collector, or clerk of the check, or to the commissioners of the revenue in Ireland, who shall pay or cause to be paid immediately the sum therein mentioned, without any fee or reward, and who shall be repaid by the Treasurer of the Navy, and shall return the bill if unpaid after six months, in manner directed by the former clause.

Remittance to relations when wages are paid at London or the out ports. 10 Geo. 3. c 33, 34, & 67.

Receiver, &c. not paying bills or certificates

If any receiver, collector, or clerk of the check, shall not have in his hands money to

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anſwer any bill or certificate tendered by the party in whoſe favour the ſame is made out, and ſhall refuſe or delay the immediate payment thereof, he is to indorſe thereon the cauſe of his refuſal or delay, and appoint ſome day for payment within one month after ſuch tender; and if, upon complaint to the commiſſioners reſpectively appointed to manage the land tax, cuſtoms, or exciſe, or to the commiſſioners of the navy, or the commiſſioners of the revenue in Ireland reſpectively, it ſhall appear that any ſuch receiver, collector, or clerk of the check hath unneceſſarily and wilfully refuſed or delayed payment, or that he or any perſon employed by or under him, hath taken any fee, reward, gratuity, diſcount, or deduction, on account of payment of any ſuch bill or ſuch certificate, ſuch commiſſioners may fine ſuch offender in any ſum not exceeding 50l. 31 Geo. 2. c. 10. 32 Geo. 3. c. 33. & 34.

Every officer or ſeaman, who ſhall be turned over from one ſhip to another, ſhall not ſerve or be rated in a worſe quality or lower degree than he ſerved in or was rated for in the former ſhip. How perſons turned over are to be rated. 31 Geo. 2. c. 10.

Every ſupernumerary man ſerving ten days in any ſhip, ſhall be, and borne for, and entitled to his wages upon the books of ſuch ſhip, and to all other benefits as if he was part of the complement of ſuch ſhip; but men lent from one ſhip to another, ſhall continue to be, borne for, and entitled to their wages upon the books of the ſhip from which they were lent until they ſhall be regularly diſcharged from thence, and in no other. Supernumeraries, and men lent.

Any inferior officer, ſeaman, or marine, who ſhall be deſirous to execute a will or a power of attorney, and ſhall at that time belong to any Executing wills and powers of attorney. 32 Geo. 3 c 34.



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26 Geo. 3. c 63. 32 Geo 3 c. 34. ſhip, muſt execute the ſame on board of ſuch ſhip, unleſs he be at ſick quarters: if made on board, it muſt be atteſted by the commanding officer, and one other ſigning officer belonging to the ſhip, and muſt ſpecify the number at which the maker ſtands rated upon the ſhip's book: if at ſick quarters, it muſt be atteſted by the agent, and muſt ſpecify his number.

If he ſhall have been diſcharged the ſervice, and ſhall be within the bills of mortality of the cities of London and Weſtminſter, his will and power muſt be atteſted by the inſpector or his aſſiſtant at the Navy-office in London.

26 Geo. 3. c 63. If he ſhall be at Portſmouth, Plymouth, or Chatham, or within ſeven miles of theſe places, his power muſt be atteſted by a clerk of the Treaſurer of the Navy at ſuch place.

If he ſhall be in any other place in Great Britain or Ireland, his will or power of attorney muſt be atteſted by the miniſter and two church-wardens, or two elders, of the pariſh where he ſhall be at the time of executing the ſame.

All wills and powers of attorney, made by inferior officers, ſeamen, or marines, muſt contain the full deſcription of the reſidence, profeſſion, or buſineſs of the perſon who ſhall be therein appointed attorney, or executor, and alſo the name of the ſhip to which ſuch officers, ſeamen, or marines laſt belonged, and if made on board, or at ſick quarters, the number at which their names ſtood on their reſpective ſhips books: every letter of attorney muſt be declared in the body thereof to be revocable.

32 Geo. 3. c 34. A certificate of diſcharge muſt be produced to whoſoever ſhall atteſt any will or power of attorney, made on ſhore by inferior officers, ſeamen, or marines, and forwarded to the in-

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ſpector with ſuch will or power, or a reaſon be given for the ſame not being produced, which ſhall be noted on the back of the will or power and muſt be admitted as ſatisfactory at the Pay-office before a check can be iſſued. 26 Geo. 3. c. 63. 32 Geo. 2. c. 34.

All powers of attorney and wills, made by inferior officers, ſeamen, or marines, muſt be delivered to thoſe who atteſt them, who are directed to forward them immediately to the Treaſurer or to the Paymaſter of the Navy, at the Pay-office in London, to be kept there as vouchers, and as ſoon as they are aſcertained to be authentic, by inveſtigation to be made at ſuch office, (for which purpoſe the inſpector ſhall have free acceſs to all pay and muſter books of ſhip, and to all hoſpital returns,) checks in lieu of the ſame will be iſſued to the parties named as attorneys or executors, that ſhall be the ſame as the original powers of attorney or wills: all wills and powers of attorney made by inferior officers and ſeamen prior to the 1ſt day of Auguſt 1792, muſt be ſent to the Navy Pay-office in London, where they muſt be examined and approved of, and ſtamped by the inſpector, before any payment of wages, or other allowances can be made upon them.

Orders for wages under 7l. 32 Geo. 3. c. 34.

Inferior officers, ſeamen, or marines, may grant orders inſtead of powers of attorney, when the wages due to them do not exceed 7l.; but which orders muſt be witneſſed by the commander, or by a ſigning officer or lieutenant on board of the ſhip where ſuch ſervice was performed, and the ſame accompanied by a certificate from ſuch officer, muſt be ſubmitted for inſpection at the Pay-office in London, to be ſtamped for payment.



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26 Geo. 3, c. 63. 32 Geo. 3. c. 34. Duty of captains and lieutenants with respect to the muster-books.

All lieutenants to sign their names upon some page of every muster-book, that their signatures may be known at the Navy Pay-office: all captains or commanders are to specify upon every such muster-book, which of the men have granted wills or powers since the preceding return.

32 Geo. 3. c. 67.

And all officers in the navy, and other officers under government, are to grant the certificates, attest the vouchers, and act in other respects as shall be necessary on their part, to fulfil the meaning and intent of the respective instructions and requisitions contained in this abstract.

Assignments from commissioned and warrant officers.

All wills, letters of attorney, and orders, (unless agreeable to the aforesaid directions), made by inferior officers, seamen, or marines, and all bargains, bills of sale, and assignments, concerning the wages or allowances of money due, growing, or to grow due, to any inferior officer, seaman, or marine, shall be null and void; but assignments, made by commissioned and warrant officers, shall be

31 Geo. 2. c. 10. 26 Geo. 3. c. 63. 32 Geo. 3. c. 33.

good and valid, provided they be made general and for certain specified sums, and the Treasurer of the Navy shall pay all wages or other allowances due to such officer upon such assignments until the sum specified in the same shall be duly satisfied; and in cases where more than one assignment shall be produced, the treasurer shall pay them according to the priority of their dates; but he shall take no notice whatever of any assignment made by any officer, unless the same shall be accompanied with the necessary certificates and papers; and the said treasurer shall not take notice of any power of attorney or the check

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of any power, unleſs preſented at the time of payment; and if two or more powers or checks ſhall be preſented at the ſame time, payment ſhall be made to that which bears the lateſt date. 32 Geo. 3. c. 33.

Subſiſting ſeafaring ſubjects of Great Britain when abroad. Ibid.

Britiſh governors, miniſters, and conſuls, reſiding at foreign ports, or where no ſuch are preſent, any two Britiſh merchants are required to provide for ſeafaring men or boys, ſubjects of Great Britain, who by ſhipwreck, capture, or any other unavoidable accident, ſhall be in foreign parts, or who ſhall be diſcharged there as unſerviceable from the Royal Navy, and ſubſiſt them at nine-pence per diem each, and ſend them home as ſoon as conveniently may be, in any ſhip belonging to the Royal Navy, or in any merchant ſhip.

Allowance to ſuch maſters of ſhips. Ibid.

Maſters of ſhips ſhall be allowed *nine-pence per diem* for all ſuch men and boys as ſhall exceed their complement.

Inferior officers, &c. not to be arreſted for certain debts. Ibid.

Inferior officers, ſeamen, or marines, ſhall not be taken out of the ſervice for any debt, unleſs ſuch debt ſhall have been contracted before they entered the navy, and ſhall exceed 20l.

How creditors may proceed. Ibid.

But creditors may file a common appearance, ſo as to entitle them to proceed to judgment and outlawry, and to have an execution thereon, except againſt the bodies of ſuch ſeamen, &c.

Allowance to receiver of wages. 31 Geo. 2. c. 10.

Receivers of ſeamen's wages, taking more than ſixpence in the pound, ſhall, for every offence, forfeit 5ol.; and if ſuch offender be a clerk, officer, or ſervant in any office belonging to the navy, he ſhall loſe his place, and be incapable of holding any place of profit in ſuch office.



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Clerks, &c. taking fees.
32 Geo. 3. c. 67.

Clerks, officers, and ſervants in offices belonging to the navy, taking fees (not allowed by the acts of which this is an abſtract) for doing any thing directed by the ſaid acts, ſhall be ſubject to the ſame forfeitures.

Captains to tranſmit pay-books.
31 Geo. 2. c. 10.

Captains or commanders of ſhips are to tranſmit, from time to time, to the Navy Board, complete pay books, liſts, and tickets, and alſo, once in every two months, complete muſter-books, under the penalty of forfeiting all their wages to the Cheſt at Chatham, and of being liable to ſuch further puniſhment as a court martial ſhall inflict, except in caſes of neceſſity, to be made appear to the ſatisfaction of the Lords of the Admiralty.

Captains not tranſmitting pay books.
31 Geo. 2. c. 10
32 Geo 3. c. 67.

The payment of tickets, certificates, or pay liſts, ſhall not be delayed, though the muſter or pay-books be not received by the Commiſſioner of the Navy; but if any error ſhould be made in any ticket, certificate, or pay liſt, the loſs ſhall be made good out of the wages of the captain or commander by whom ſuch ticket, certificate, or pay liſt, was made out.

How muſter books left abroad are to be tranſmitted.
32 Geo. 3. c. 34.

Captains or commanders who ſhall ſail from any foreign ſtation before an opportunity offers of tranſmitting home their muſter-books, liſts, and tickets, ſhall leave them with the naval officer, or ſome reſpectable merchant or other perſon, to be forwarded by the firſt opportunity.

Muſter books to be delivered by captains to their ſucceſſors.
31 Geo. 2. c. 10.
32 Geo 3. c. 33.

Any captain, removed from his ſhip, ſhall leave with his ſucceſſor complete muſter-books, ſigned by himſelf and the proper officer, to the date of his removal, receiving a receipt for the ſame; and the Commiſſioners of the Navy ſhall not ſign his general certificate unleſs ſuch receipt be produced, or unleſs it appear that

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the directions herein given were complied with as far as the nature of the ſervice would admit. 31 Geo. 2. c. 10. 32 Geo. 3. c. 33.

Wages, &c. earned by an apprentice ſhall be paid to his maſter as uſual, if ſuch maſter produce the indentures at the pay table when the wages are demanded, unleſs ſuch apprentice ſhall have been eighteen years of age when he was indented, in which caſe he may receive payment of the ſame himſelf, or unleſs he ſhall be rated as a ſervant to an officer, in which caſe his wages ſhall be paid to ſuch officer according to the uſual practice of the navy, unleſs ſuch officer ſhall have been informed of ſuch apprenticeſhip by the indentures having been exhibited to him. Wages of apprentices. 31 Geo. 2. c. 10. 32 Geo. 3. c. 3.

All months to which this abſtract of the naval acts relates ſhall be reckoned calendar months, except in computing wages, when each month ſhall conſiſt of twenty-eight days only. What ſhall be deemed a month. 32 Geo. 2. c. 34.

Captains or commanders iſſuing any tickets, other than ſuch as are directed by the different acts of which this is an abſtract, ſhall be ſubject to a penalty of 50l. for every ticket, and ſhall forfeit all their wages to the Cheſt at Chatham. No tickets to be iſſued but ſuch as are here mentioned. 31 Geo. 2. c. 10.

Thoſe who can claim the wages of any inferior officer, ſeaman, or marine, as executors, as ſoon as they ſhall be informed of the teſtator's death, muſt forward the authorities under which they ſo claim by the general poſt, addreſſed to the Treaſurer or Paymaſter of the Navy, London. Thoſe who claim as neareſt of kin muſt alſo write, when they ſhall have been informed of the death of their relations, by the general poſt, to the treaſurer or How executors, adminiſtrators, and creditors are to proceed. 26 Geo. 3. c. 63. 32 Geo. 3. c. 34.

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26 Geo. 3. c. 63. 32 Geo. 3. c. 34. paymaster, stating their pretensions to the wages which may remain due; and those who shall be entitled to claim as creditors must apply in like manner, and at the same time state in writing the nature and amount of their demand. A proof must also be produced in each of these cases.

*Cases of the Inferior Officers, Seamen, or Marines.*

Death.—If he shall have died after having left the service, the business will then be properly investigated at the Navy Pay-office, and if the claim be found just, the necessary expences of administering at Doctors Commons (which are limited as per clause 32d of the abstract) will be defrayed, and the balance will be directed to be paid to the executor or administrator, if present, and if absent by a remittance bill, as described in the 10th clause of this abstract.

32 Geo. 3. c. 34. Executors in wills, or those who shall be entitled to administer as widow, next of kin, or creditor, to inferior officers, seamen, or marines, may receive the wages due without the expence of taking out letters of administration when such wages or other allowances do not exceed 10l. provided the justness of their claims be ascertained at the Pay-office; and the said wages, &c. shall be remitted in like manner, if required, to any part of Great Britain or Ireland.

Pensions to out pensioners of Greenwich Hospital. 3 Geo. 3. c. 16. 32 Geo. 3. c. 67. Pensions due to out pensioners of Greenwich Hospital shall be paid by bill in like manner in any part of Great Britain or Ireland, upon application being made by the party in writing to the governors of the said hospital.

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Regiſters or proctors of Doctors Commons, taking more than the ſum allowed by the act to be charged in the different events therein ſpecified, ſhall forfeit the ſum of 50l.; and any regiſter or proctor, aiding or aſſiſting in procuring probates or adminiſtration, otherwiſe than in the manner preſcribed by the act, ſhall for ever be rendered incapable of acting in any eccleſiaſtical court in Great Britain, and ſhall for every offence forfeit the ſum of 500l.

Charges of proctors. 32 Geo. 2. c. 34.

Whoever willingly or knowingly ſhall perſonate, or procure any other to perſonate any officer, ſeaman, or other perſon entitled to wages, &c. or the executor, adminiſtrator, wife, relation, or creditor of any ſuch, in order to receive any wages, pay, allowances, or prize money, or ſhall forge or counterfeit, or procure to be forged or counterfeited, any letter of attorney, or other power of authority whatſoever, in order to receive any wages or pay, &c. or ſhall willingly or knowingly take a falſe oath, or procure a falſe oath to be taken, to obtain the probate of a will, or letters of adminiſtration, in order to receive any wages, ſhall be guilty of felony, and ſuffer death; and whoever knowingly ſhall forge or counterfeit any certificate of diſcharge, or certificate of ſervitude, in order to entitle them to recover their own wages, or aſſiſt in ſo doing, ſhall be puniſhed as in caſes of perjury.

Puniſhment to perſons perſonating other captains, &c. 31 Geo. 2. c. 10. 32 Geo. 3. c. 33. 34, and 67.

The tickets, certificates, pay liſts, bills, and duplicates, herein mentioned, ſhall be ſufficient vouchers to the Treaſurer of the Navy for payments made thereon.

Vouchers to the Treaſurer of the Navy. Ibid.

Every part of the complement on board any of his Majeſty's ſhips is included under the denomination of inferior, or petty officers, and

Who are deemed inferior officers, ſeamen, and marines. 32 Geo. 3. c. 34.

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32 Geo. 3. c. 34. seamen, non-commissioned officers of marines, and marines, except those who shall be rated as follows, admirals or flag officers and their secretaries, captains, lieutenants, masters, second masters, and pilots, physicians, surgeons, chaplains, boatswains, gunners, carpenters, pursers, captains of marines, captains lieutenants of marines, lieutenants of marines, and quarter-masters of marines.

Copies of this abstract, where to be fixed. 32 Geo. 3. c. 67. This abstract, and also the articles of war, are to be printed and hung up in the most public place in every ship of the Royal Navy; and they are also to be read over once in every month to the ship's company, and the reading of them is to be attested by the signing officers at the foot of the muster-books, to the end that every seaman in the Royal Navy may know the punishments he is liable to for any neglect or disobedience, and the encouragement he is entitled to by the performance of his duty, and that upon suffering any injury he may be enabled to lay his complaint before the Lord High Admiral, or the Commissioners of the Admiralty, who are by this act directed to enquire into the same, and to grant redress if such complaint be justly founded, and to take care that this act be punctually carried into execution.

*Abstract of an Act to enable Petty Officers in the Navy, and Seamen, Non-commissioned Officers of Marines, and Marines, serving in His Majesty's Navy, to allot Part of their Pay for the Maintenance of their Wives and Families.*

What part of pay may be allotted to wives, children, or mothers. 35 Geo. 3. c. 28. Every petty officer, and non-commissioned officer of marines, may allot for the mainte-

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nance of their wives and children, or mothers, one-half of his wages; every able-bodied ſeaman five-pence per day; and every ordinary ſeaman or landman four-pence per day; every marine may allot three-pence per day while he ſhall actually ſerve on board any of his Majeſty's ſhips, or be borne for wages upon the books of any ſuch ſhips; which ſaid ſeveral ſums ſhall be paid every *twenty-eight days*, under the rules and regulations by this act directed. 15 Geo 3. c. 28.

How perſons wiſhing to allot their pay are to conduct themſelves when they enter. Sect. 2.

If any ſeaman or landman ſhall voluntarily enter with any regulating officer for his Majeſty's naval ſervice, and ſhall, at the time of entering, declare to the officer his name and place of abode, and that he is married, and ſhall likewiſe declare the name of his wife, and at what place ſhe then reſides, and if he has a child, or children, diſtinguiſhing how many of them are boys; or ſhall declare that he has a mother, and the place of her reſidence, and that he is willing to allot a part of his wages for the maintenance of his ſaid wife and child, or children, or of his mother; in that caſe, if the wife or mother reſide in London, or within the bills of mortality, the ſum allotted to her ſhall be paid by the Treaſurer of the Navy; and if ſhe reſide at Portſmouth, Plymouth, or Chatham, or within five miles of any of theſe places, the ſum allotted to her ſhall be paid by the clerk of the checque at any of thoſe places within five miles of which ſhe ſhall reſide; but if the reſidence of the wife or mother ſhall not be in London, or within the bills of mortality thereof, or at Portſmouth, Plymouth, or Chatham, or within five miles thereof reſpectively, in every ſuch caſe the ſum allotted ſhall be paid

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35 Geo. 3. c. 28. to her by the receiver-general of the land-tax of any county, riding, or city, or by the collector of the customs for any port, or by the collector of excise for any collection in Great Britain, nearest to the place of residence of the wife or mother of such seaman or landman; and such regulating officer for entering seamen or landmen shall immediately make out three declarations of allotment, and three orders for payment (which shall be triplicates of each other, and joined together *), which declarations and orders of payment, being numbered and dated, and the blanks otherwise filled up, the said seaman or landman shall

* No. II.

I, A. B. { Petty officer, / Seaman, / Landman, / Non-commissioned officer of marines, / Marine, } do hereby declare, that I, having a { wife, { and one child, a boy, / and children, of whom are boys, } / mother, } living at in the county of { entered this day to serve in his Majesty's Navy, / now serving on board his Majesty's ship } at have allotted for the maintenance of my { wife { and child / and children } / mother, } and I do hereby direct you to pay, or cause to be paid to C. D. my { wife, / mother, } living in the place and county aforesaid, at the end of every twenty-eight days from the date hereof, the sum of being at the rate of per day out of the wages or pay to grow due to me as a in his Majesty's Navy, a duplicate hereof having already been transmitted to you, signed by three of the Commissioners of his Majesty's Navy, upon her producing a certificate under the hands of the minister or churchwardens, or the elders or elder of the parish where she resides, that to the best of my knowledge the said C. D. is my { wife; / mother; } or in the event of the death of my wife pay the sum aforesaid to the person who shall by the minister and churchwarden or churchwardens, or elders or elder



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sign his name, or make his mark, at each of the said triplicates, and the said regulating officer shall sign his name as witness thereto; and if the said wife or mother shall then attend in person, such regulating officer shall cut off one of the triplicates and deliver it to the said wife or mother, and shall immediately thereafter send the other two triplicates to the Commissioners of the Navy, at their Board, in London; but in case the wife or mother shall not attend at the time aforesaid, the said regulating officer shall send the said triplicates to the Commissioners of the Navy; and such regulating officer shall, in his returns to the Admiralty or Navy Board, specify, opposite to the names of every man so entered, whether he has allotted part of his pay for the maintenance of his wife and child, or children, or of his mother, and the amount of such allotment, together with the date of the order for the payment thereof. 35 Geo. 3. c. 28.

N. B.—The personating or falsely assuming the name and character of the wife or mother, or

of the parish where my said wife resides, be appointed to receive the same for the maintenance of my { child. / children. } Dated { at / on board his Majesty's ship } this day of

(Signed) A. B.

Witness (if on shore) Thomas Bowling, Lieutenant in his Majesty's Navy.

(if on board) D. E. Captain. F. G. Lieutenant and Signing Officer.

To the Treasurer of his Majesty's Navy.
To the Receiver-General of the Land Tax of
To the Collector of the Customs of the Port of
To the Collector of the Excise at
To the Clerk of the Check at

(Signed) H. I. K. L. M. N. { Commissioners of his Majesty's Navy.

By virtue of the act of the 35th Geo. 3.

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35 Geo. 3. c. 28. person to be appointed on the behalf of the child or children of any petty officer, seaman, or landman, non-commissioned officer of marines, or marine, or procuring any other to do the same, in order to receive any part of the wages or pay of such petty officer, seaman, or landman, non-commissioned officer of the marines, or marine, is made felony, without benefit of clergy, by the act 35 Geo. 3.

Allotting of seamen's pay when captains muster their companies. Sect. 3.

As often as the captain or commander of any ship or vessel shall muster his ship's company, and if any petty officer, &c. shall thereupon declare, or deliver in writing, the name and place of abode of his wife, and if he has a child, or how many children, distinguishing how many of such children are boys, or that he has a mother, then alive, and the place of her residence, and desire that a part of his wages should be allotted to his said wife, or to his mother, then, and in that case, the sum allotted shall be paid to the wife or mother of such petty officer, &c. according to the regulations of the preceding clause; and the captain of such ship is hereby strictly required to cause a list to be made out, which shall contain the name of every such petty officer, &c. in which list the name and place of abode of the wife, or mother, child, or children, as the case may be, or whether he has a child, or how many children, distinguishing how many of such children are boys, shall be specified and described in distinct columns, opposite to the name of such petty officer, &c.; and every such petty officer, &c. shall write his name, or make his mark, in a separate column in the said list, which list shall be forthwith signed by the captain or commander, and any other of

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the fighting officers of ſuch ſhip; and every ſuch petty officer, &c. ſhall alſo ſign his name, or make his mark, to each of the three declarations and orders of payment as before mentioned, and which declarations and orders ſhall be in the ſame form of words as herein before deſcribed; and the ſaid declarations and orders ſhall be forthwith completed, and ſuch captain or commander ſhall tranſmit the liſt, and the three declarations and orders aforeſaid, by the firſt ſafe opportunity, to the Commiſſioners of the Navy, at London. 35 Geo. 3. c. 28.

As ſoon as the ſaid declarations and orders ſhall be received by the Commiſſioners of the Navy, they ſhall examine with the liſt tranſmitted by the regulating officer, or by the captain, and, if found right, the ſame ſhall be filled up agreeable to the particulars ſpecified in the ſeveral columns of ſuch liſt, and ſhall be then allowed and ſigned by any three of the commiſſioners, ſpecifying the date on which they ſo ſign the ſame; and in all caſes where the triplicates of the ſaid declarations and orders ſhall have been tranſmitted to the Commiſſioners of the Navy, they ſhall cut them aſunder, and tranſmit one of them to the wife or mother of ſuch petty officer, &c. and another of them to the receiver-general of the land tax, &c. to whom ſuch order ſhall be ſo directed, and the third to the Treaſurer of the Navy; and where only two ſuch declarations and orders ſhall have been tranſmitted to the ſaid Commiſſioners, they ſhall in like manner tranſmit one of them to the receiver-general of the land tax, &c. to whom ſuch order ſhall be ſo directed, and the other to the Treaſurer of the Navy; but in caſes where the allotment of Duty of the Commiſſioners of the Navy. Sect. 4.



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35 Geo 3 c 28. ſuch wages is to be paid by the Treaſurer of the Navy in London, or within the bills of mortality, then *two* of the ſaid triplicates ſhall be tranſmitted to the Treaſurer of the Navy.

Duty of the Treaſurer of the Navy, Receiver-General, &c. Sect. 5.

When at the end of twenty-eight days, or more, after the date of ſuch declaration and order, the ſame (together with the certificate therein mentioned from the miniſter and churchwardens, or elders, as the caſe may be) ſhall be preſented to the Treaſurer of the Navy, receiver-general of the land tax, collector of the cuſtoms, collector of the exciſe, or clerk of the check, reſpectively, to whom the ſame is addreſſed, he ſhall compare ſuch declaration and order with the triplicate of the ſame which ſhall have been tranſmitted to him by the Commiſſioner of the Navy, and enquire into the truth thereof, and of ſuch certificate as aforeſaid, if neceſſary, by the oath of the wife or mother producing the ſame, which oath he is empowered to adminiſter; and, upon being ſatisfied of the authenticity of ſuch declaration and order, and of ſuch certificate, he ſhall immediately pay to the ſaid wife or mother, without fee or reward, and without deduction on any pretence whatever, the ſum allotted to her, taking her receipt for the ſame, to which ſhe ſhall ſign her name, or make her mark, in the preſence of the perſon paying her, who ſhall alſo ſign his name as witneſs thereto, and he ſhall alſo mark her receipt and certificate with the ſame number as that of her huſband's declaration and order, and ſhall alſo mark on the ſaid declaration and order the date of ſuch payment, the amount of the ſum paid, and the time from whence, and up to what time, the ſame ſo became due, after which he ſhall de-

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liver back the declaration and order ſo pro- 35 Geo 3. c. 28.
duced by her; and the perſon making ſuch payment ſhall in like manner mark the triplicate which ſhall have been tranſmitted to him by the Commiſſioners of the Navy as aforeſaid, and at the end of every four weeks or twenty-eight days thereafter, upon ſimilar application made, and upon producing ſuch order and certificate in manner before directed, the payment ſhall be made in the ſame manner and form to the ſaid wife or mother, during her life, or ſo long as her huſband or ſon ſhall live, and continue as a petty officer, &c. in the ſervice of his Majeſty, except where no demand ſhall be made upon ſuch order within ſix months from the date of making thereof by the Commiſſioners of the Navy, or from the date of the laſt payment made thereon.

When the wife of any ſuch petty officer, &c. ſhall happen to die, and ſuch petty officer, &c. ſhall have a child or children under the age of fourteen years, the miniſter and churchwardens, or elders of the pariſh where ſuch wife ſo dying reſided at the time ſhall certify to the Commiſſioners of the Navy the death of ſuch wife, the day thereof, and that the huſband has a child, or children, then alive, under the age of fourteen years, and the age of ſuch child or children, as nearly as they can, and ſhall diſtinguiſh how many of ſuch children are boys; and ſuch miniſter and churchwardens, or elders, ſhall alſo certify their intention of appointing a proper perſon within their pariſhes to receive that part of the father's wages which had been allotted by him for the maintenance of his child or children, in the event of the death of his wife; and along with ſuch



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35 Geo 3. c. 28. certificate the miniſter and churchwardens, or elders, ſhall alſo tranſmit the triplicate of ſuch declaration and order before mentioned, which was in her poſſeſſion at the time of her death; whereupon the Commiſſioners of the Navy, if they are ſatisfied of the truth thereof, and that the father of ſuch child or children is ſtill alive, and in the ſervice of his Majeſty, ſhall then cauſe to be made out three certificates and orders (which ſhall be triplicates of each other, and joined together), the triplicates of which certificate the Commiſſioners of the Navy ſhall ſend to the miniſter, churchwardens, or elders of the ſaid pariſh: and ſuch miniſter, &c. ſhall cauſe the blanks to be filled up, and the ſaid miniſter, with the churchwardens or elders, ſhall ſign the ſame, and having procured two of the juſtices of the peace of the county to atteſt the ſame, the ſaid miniſter, &c. ſhall return the ſaid three triplicates to the Commiſſioners of the Navy, who ſhall immediately, if found right, mark each of the triplicates with the ſame number as the original declaration and order; and the ſaid Commiſſioners, or any three or more of them, ſhall date and ſign their allowance thereof, and ſhall addreſs each of the triplicates to the ſame public officer to whom the original order was addreſſed for payment; and the ſame being ſo completed, they ſhall tranſmit one of them to the perſon who ſhall be appointed by the ſaid miniſter, &c. and ſhall therewith alſo tranſmit the original declaration and order, which was in his poſſeſſion at the time of or previous to her death, and another of the aforeſaid triplicates ſhall be forthwith tranſmitted to the perſon appointed to pay the ſame; and the third of the ſaid tri-

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plicates to be delivered to the Treaſurer of the Navy. 35 Geo. 3. c. 28.

At the end of twenty-eight days, or more, from the date of the laſt payment made to the wife who may have ſo died, or from the date of the original declaration and order (in caſe ſhe ſhall have received no payment therein), the perſon appointed in ſuch certificate may apply to the Treaſurer of the Navy, &c. to whom the ſame may be addreſſed, for payment of what may be due thereon, and ſhall then produce the original declaration and order of ſuch petty officer, &c. in favour of his wife, the certificate of the miniſter and churchwardens, or churchwarden, or elders, or elder, of his appointment, the atteſtation thereof by two juſtices of the peace, and allowance thereof by any three Commiſſioners of the Navy, as is before mentioned, and ſhall alſo produce and deliver to ſuch Treaſurer of the Navy, &c. a certificate from the miniſter and churchwardens, or churchwarden, elders, or elder, ſpecifying that there is a child, or the number of children, under the age of fourteen years, of ſuch petty officer, &c. whoſe wife may have died as aforeſaid, then living in their pariſh, and diſtinguiſhing if ſuch child, or how many of ſuch children are boys, and the age of ſuch child, or the reſpective ages of ſuch children, as nearly as they can; and ſuch Treaſurer of the Navy, &c. ſhall examine theſe ſeveral papers ſo produced, with the triplicates thereof, tranſmitted to him by the Commiſſioners of the Navy, and ſhall enquire into the truth thereof, if neceſſary, by the oath of the party producing the ſame (which oath he is empowered to adminiſter), and being ſatisfied with the authen- Further proceedings on the death of the wife. Sect. 7.



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35 Geo. 3. c. 28 ticity and truth thereof, he ſhall immediately pay to the perſon ſo appointed the ſum due thereon, without fee or reward, and without deduction on any pretence whatever, ſo as the ſame ſhall not be for a leſs period than twenty-eight days, except as hereinafter is mentioned, and ſhall take the receipt of ſuch perſon for the ſame, who ſhall ſign the ſaid receipt, in the preſence of the perſons paying the money, who ſhall ſign his name as witneſs to the ſaid receipt, and ſhall alſo mark the ſaid receipt with the ſame number as that of the original declaration and order of payment, and upon the certificate of appointment produced by the ſaid perſon, and alſo upon the original declaration and order of payment, and upon the certificate of appointment tranſmitted to him by the Commiſſioners of the Navy as aforeſaid, the date of ſuch payment, the amount of the ſum paid, and the time from whence, and up to what time the ſame became due; and at the end of every twenty-eight days thereafter, upon ſimilar application made, and producing ſuch original declaration and order of payment granted by ſuch petty officer, &c. and ſuch certificate of appointment, atteſted and allowed as before mentioned; and upon the delivery of ſuch certificate reſpecting the exiſtence and age of ſuch children as aforeſaid, with a receipt for the money, in manner as before directed, the ſame payment ſhall be made to the perſon ſo appointed; and that for ſo long as any one of the ſaid children ſhall remain under the age of fourteen, or ſo long as their father ſhall live, or continue as a petty officer, &c. except where no demand ſhall be made for payment within ſix months from the date of the Commiſſioners of the Navy allowing of ſuch cer-

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tificate of appointment, or from the date of the last payment made thereon. 35 Geo. 3 c. 28.

If any such seaman, landman, or marine, shall be promoted in the service, viz. if from landman or ordinary seaman to able seaman, or if from able seaman to petty officer, or if from petty officer of an inferior to a superior rank on the list of petty officers; or if any marine be promoted to be a non-commissioned officer, or receive any other similar promotion by which the wages of such person shall be encreased, it shall be lawful for such person so promoted, at any subsequent muster of the ship's company, to declare that he is desirous to make the allowance out of his wages to the full amount allowed to those in the same rank to which he has been promoted; and the captain or commander of such ship is hereby required in the muster-books to specify the same opposite to the name of such person, who shall also sign his name, or make his mark, opposite thereto; and such seaman, &c. shall also sign three declarations and orders of payment (agreeably to the forms before prescribed), which shall be executed and transmitted to the Commissioners of the Navy in the same manner as before mentioned; and such commissioners shall likewise proceed in the same manner as before directed in examining and transmitting the same; and the wife, mother, or person appointed for the children, at the time of receiving the first payment under the new order of payment, shall receive also the difference between the sum in the first order and that in the new order, from the date of such new order up to the time of receiving under the same, in case any intermediate payment

Persons promoted may increase the allotment of their wages. Sect. 8.



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35 Geo. 3 c 28. shall have been made on the first order after the date of the second; and he or she so receiving the money as aforesaid shall deliver up the triplicate of the former order, which shall be transmitted to the Commissioners of the Navy, together with the triplicate of such first order that was in the possession of the person paying the money; and in all other things relative to such new declaration and order, the same regulations shall be observed as are directed with respect to payments under the first declaration and order.

Payments to be monthly. Sect. 9.

All payments made to the wife or mother, or to the person appointed on the death of such wife, shall be by even monthly payment of twenty-eight days, and not for any part of a a month, except in case of the death, discharge, or absence of such petty officer, &c. in which events the sum allotted shall be paid up to the day of the said death, discharge, or absence; and all payments so made shall be deducted from the payment of such petty officer, &c.

Orders for allotment of pay, how long to continue. Sect. 10.

Every such order of any such petty officer, &c. shall be irrevocable, and continue in force during the whole time that he shall be entitled to wages, in case his wife or mother named therein shall so long live, or while any of his children shall remain under the age of fourteen, or until he shall be discharged, or absent himself from his Majesty's service, unless the same shall be revoked in the manner hereinafter mentioned, or become void by non-claim as after mentioned.

Persons appointed on death of the wife are to receive the wages in person. Sect. 11.

The wife or mother, or person appointed on the death of the wife, shall appear in person to receive the wages allotted, unless they shall be disabled by bodily infirmity; and such disability

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being certified by the miniſter and church-wardens, or elders of the pariſh where he or ſhe reſides, or by the phyſician, ſurgeon, or apothecary, attending her or him, then the money ſo allotted ſhall be paid to her on his order in writing, upon producing the original order for payment by ſuch petty officer, &c. and together with the other proper receipt and certificate as aforeſaid. 55 Geo. 3. c. 28.

If no demand for payment upon any ſuch original order of payment ſhall be made for ſix calendar months from the date when the ſame ſhall be ſigned by the Commiſſioners of the Navy, then the ſaid order, in the event of the death of the wife, ſhall become void, and of no effect; and the wages of ſuch petty officer, &c. ſhall, from the date of the laſt payment made on ſuch order, be paid to him, or to his executors or adminiſtrators, as if he had never granted any ſuch order. Original order of payment becomes void in certain caſes. Sect. 12.

If any regulating officer, or any captain or commander of his Majeſty's ſhips, ſhall unneceſſarily delay to tranſmit to the Commiſſioners of the Navy the liſt of ſuch petty officers, &c. who have ſo allotted part of their wages, or to tranſmit the ſaid declarations and orders made by ſuch petty officers, &c. every ſuch officer, captain, or commander, ſhall forfeit 50l.; and ſuch penalty ſhall be paid to the perſon proſecuting for the ſame, Officers not tranſmitting liſts. Sect. 13.

If any Receiver-General of the Land Tax, &c. to whom ſuch order ſhall be addreſſed and preſented for payment of the ſum allotted, ſhall not then have public money ſufficient to anſwer the ſame, and ſhall for that reaſon delay the payment thereof, ſuch Receiver-General of the Land Tax, &c. ſhall immediately deliver to the per- Sect. 14.

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35 Geo. 3. c. 28. sons demanding payment a note of the cause of his refusal, which shall bear the date when such demand was made and refused, and shall appoint thereon for the payment of such demand some future day, within the space of fourteen days from that day; and if upon complaint being made to the respective Commissioners of the Land Tax, Customs, or Excise, or to the Commissioners of the Navy, it shall appear that such Receiver-General of the Land Tax, &c. hath unnecessarily delayed the payment of such allowance allotted as aforesaid, or that such Receiver-General of the Land Tax, &c. hath directly or indirectly taken any fee or reward, gratuity, discount, or deduction whatsoever, under pretence of re-imbursement of any expence incurred on account of the payment of the said allowance, it shall be lawful for any three or more of the said Commissioners to convict and fine any such offender, under their respective directions, for every such offence, in a sum not exceeding 50l. according to the nature and degree of the offence; and the said fine shall be paid to the person prosecuting for the same.

Captains, &c. not making returns. Sect. 15. If any captain or commander in the navy, or any agent of hospitals for sick or wounded seamen, shall neglect to make their returns within a reasonable time, by means whereof any over payment shall be made, in every such case the Commissioners of sick and wounded seamen (as the case may be) are to deduct from the salary or pay of the captain or commander, or agent of hospitals, a sum equal to that which has been overpaid through his neglect.

Revoking allotments of wages. Sect. 16. If any such petty officer, &c. shall at any time be desirous to revoke the allotment he



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has made, it ſhall be lawful for him ſo to do, by a writing, under his hand, addreſſed to the Commiſſioners of the Navy, and accompanying ſuch his revokation with a certificate from the miniſter and churchwardens, or elders of the pariſh where his wife reſided at the date of his declaration and order of payment, declaring that, in their opinion, ſuch petty officer, &c. has juſt and reaſonable cauſe for ſuch his revokation; and if the Commiſſioners of the Navy, upon receiving ſuch revokation and certificate, ſhall be ſatisfied of the reaſonableneſs thereof, they ſhall immediately give notice thereof to the Treaſurer of the Navy, or to the Receiver-General of the Land Tax, &c. to whom the order of payment was addreſſed, directing him to ſtop all future payment thereon; and the Treaſurer of the Navy, or ſuch Collector of the Land Tax, &c. ſhall indorſe upon the notice of ſuch countermand the date when he receives the ſame, and ſhall, within two days after, acknowledge the receipt thereof to the Commiſſioners of the Navy, and ſhall not, after receipt of ſuch notice, make any further payment to the wife, but the huſband ſhall thereafter be entitled to the whole of his wages, until he ſhall make another declaration or order for payment, which he is enabled to do, notwithſtanding his having revoked the former. 55 Geo. 3. c. 28.

If the wife of ſuch petty officer, &c. ſhall deſert, or otherwiſe neglect ſuch child or children, whereby any of them, being under the age of fourteen, ſhall for one month or more become chargeable upon any pariſh, it ſhall be lawful to the miniſter and churchwardens or elders of ſuch pariſh to certify the fact to the Commiſſioners of the Navy, and alſo their in- If the wife neglect the children. Sect. 17.

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35 Geo. 3, c. 28. tention to appoint a proper perſon to receive and apply to the uſe of ſuch children that part of the wages which the father had allotted to his wife and children; and, if the Commiſſioners of the Navy ſhall be ſatisfied with the reaſonableneſs thereof, they ſhall proceed in the ſame way and manner to the appointment of a proper perſon to receive and apply that allotment of wages as if the wife had died; and from the date of ſuch appointment the wife ſhall not receive any part thereof.

Petty officers, &c. dying. Sect. 18. As ſoon as it ſhall appear to the Commiſſioners of the Navy that any ſuch petty officer, &c. has either died, been diſmiſſed from, or in any other manner quitted the ſervice of his Majeſty, the ſaid commiſſioners ſhall immediately communicate ſuch intelligence to the perſons directed to pay the allotted wages (who are to acknowledge the receipt of ſuch intelligence in two days, on penalty of 20l.), and who are not to pay any more than up to the day of the death, diſcharge, or abſence of ſuch petty officer, &c.

Wife or mother dying. Sect. 19. As ſoon as it ſhall come to the knowledge of the miniſter, churchwardens, or elders of any pariſh, that the wife or mother of ſuch petty officer, &c. is dead, ſuch miniſter, churchwarden, or elder, ſhall immediately give notice thereof, by the letter, to the Commiſſioners of the Navy, or to the Receiver-General of the Land Tax, &c. from whom ſuch wife or mother ſhall have received the allowance allotted to her; and ſuch Receiver-General of the Land Tax, &c. ſhall immediately indorſe on ſuch letter the day when he receives the ſame, and ſhall forthwith tranſmit it to the Commiſſioners of the Navy, and ſhall not thereafter make any further payment until he

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shall receive the further directions of the Commissioners of the Navy thereon. 35 Geo. 3. c. 28.

The receipts taken from such wife or mother, or person appointed on the death of the wife, together with the certificates of the minister and churchwardens or elders, being produced at the Navy Office, shall be immediately assigned for payment by the Commissioners of the Navy, and shall be immediately repaid by the Treasurer of the Navy to such Receiver-General of the Land Tax, &c. Receiver-Generals, &c. to be repaid by the Commissioners of the Navy. Sect. 20.

Receipts and certificates taken by the Treasurer of the Navy for payments made by him, and all the payments made by him to any Receiver-General of the Land Tax, &c. shall be sufficient vouchers in passing his accounts. Treasurer's vouchers. Sect. 21.

As soon as any act shall be passed by the Legislature of Ireland, making provision for payments in that country, any petty officer, seaman, or landman, non-commissioned officer of marines, or marine, may desire that such part of his wages which he shall allot for the maintenance of his wife and child or children, or mother, may be paid by any collector of the revenue, or revenue officer in Ireland; and in such case the regulating officer, or the captain, or commander of such ship as aforesaid, as the case may be, in the list he is herein-before directed to make out, is to mark, in a separate column, that such payment is to be made in Ireland, and the address of the revenue officer by whom such payment is to be made; and such regulating officer, or captain, or commander, shall upon the triplicates of such declaration and order of payment address the same to such revenue officer in Ireland; Payments in Ireland. Sect. 22.

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35 Geo. 3. c. 28. and the Commiſſioners of the Navy, upon receiving ſuch liſts, declarations, and orders as aforeſaid, ſhall proceed in manner as before directed for payment made in Great Britain.

Payments in Ireland. Sect. 23. On the death of the wife of any petty officer, &c. who reſides in Ireland, the ſame rules, orders, and regulations ſhall be obſerved with reſpect to the appointment of a proper perſon in Ireland to receive the allotment for the maintenance of the children as are before directed reſpecting the children of ſuch petty officer, &c. where wives die in Great Britain, except that the triplicate of the appointment of ſuch perſon ſhall be tranſmitted to the Commiſſioners of the Revenue in Ireland.

Payments in Ireland. Sect. 24. The Treaſurer of the Navy is to pay to the Commiſſioners of the Revenue in Ireland, or their order, ſuch ſums as they may have paid upon account of wages as before directed, upon their producing the receipts of ſuch wife, mother, or perſon appointed as before mentioned, and the certificates of the miniſter and churchwardens, or elders, to the Commiſſioners of the Navy, they having previouſly aſſigned the ſame for payment.

Payment to wife, &c. to be without deduction. Sect. 25. Every ſum of money to be paid to ſuch wife, mother, or perſon appointed to receive for the uſe of the children, ſhall be fully paid without any deduction or abatement, or under the pretence of reimburſement of any expence whatſoever, although part thereof may be in fractions of the ſmalleſt denomination; and every perſon withholding any part, under any pretence whatſoever, ſhall for every ſuch offence forfeit 20l. which ſhall be paid to the perſon proſecuting for the ſame.

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Letters from and to the cashiers of the Treasurers of the Navy to be free of postage. 35 Geo. 3 c. 28. s 26. Letters post free.

But, if the cashier send under cover any paper no relating to this act, he is to forfeit 100l. for every offence. Letters not relative hereto. Sect. 27.

The Treasurer or Paymaster of the Navy, &c. may inspect muster-books, &c. Inspection of muster books. Sect. 28.

Petty officers, &c. who make allotments of pay are to be borne on the ship's books for the balance only. Persons allotting borne for the balance. Sect. 29.

Persons forging orders for payment, &c. to suffer death. Forgery. Sect. 30.

The Admiralty to direct the Commissioners of the Navy to deliver to regulating officers and captains forms of declarations and orders of payment; and the Treasurer to cause to be printed and delivered an abstract of the provisions of this act to the Commissioners of the Navy, &c. Admiralty to cause copies of abstracts to be delivered to captains of ships, to be read over with the articles of war, as directed by 32 Geo. 3. c. 17. Abstracts. Sect. 31.

*Abstract of an Act for establishing a more easy and expeditious Method for the punctual and frequent Payment of the Wages and Pay of certain Officers belonging to His Majesty's Navy.*

When an officer is appointed to a ship, he may apply to the Commissioners of his Majesty's Navy for an order from the Treasurer to pay him the arrears of half pay that may be due to him, and, if no impress stand against him (which in that event they shall certify), he may receive the amount at the Pay-office in London, or by his attorney; and in either case his commission or warrant must be pro- Officers appointed to ships may receive their half pay. 35 Geo. 3. c 94. s. 1.

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35 Geo. 3. c. 94. duced, together with the certificate of no impreſt, and the uſual affidavit, and other documents in ſuch caſes required.

Three months advance of full pay.

If the ſhip to which he is appointed ſhall be in the River Thames, he may apply to the Commiſſioners of the Navy, or to the reſident commiſſioner if ſuch ſhip or veſſel ſhall be at any of the out-ports where a commiſſioner reſides, for an order to enable him to receive three months full pay in advance, which ſhall be paid by the Treaſurer at the Pay-office in London, or by his clerks at any of the out-ports, on producing the ſaid orders, with the certificate of no impreſt. If he ſhall return to half pay before the expiration of three months, an impreſt ſhall be placed againſt his growing half pay for the amount of the ſum ſo advanced, or ſuch part thereof for which he ſhall not have ſerved on full pay.

At the expiration of every three, ſix, or twelve months, or of any longer period as may be thought proper, any commiſſioned officer, maſter, or ſurgeon, may draw bills * in du-

* Form of Bill.

First Rate. [Britannia, Lieutenant Thomas Bowling] entered day of

Full pay, from day of to day of £.

Amount of deductions, £.

Nett pay, £.

Gentlemen,

[Barbadoes,] day of

Ten days after ſight [my ſecond and third bill of this tenor and date not being paid] pleaſe to pay to [John Bull,] or Order, the ſum of being the nett perſonal pay due to me as of his Majeſty's ſhip [Britannia,] between day of and day of for value received.

"Approved," [Thomas Bowling.]

I. M. Captain of

To the Commiſſioners of his Majeſty's Navy, London.

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plicate or triplicate, as the caſe may require, upon the Commiſſioners of the Navy, for the nett amount of pay due to him; which bills ſhall ſpecify the rate and name of the ſhip, the rank of the officer drawing the ſame, and the full amount of the pay due to him; alſo the amount of the uſual deductions and abatements to which the ſame ſhall be liable, and the nett reſidue of the pay ſo to be drawn for: but no commiſſioned officer, maſter, or ſurgeon, ſhall be permitted to draw for the firſt three months after he ſhall have received three months advance. 35 Geo 3. c. 94.

All deductions or abatements required to be made againſt the pay of officers ſhall be charged on the ſhip's books againſt their perſonal wages or pay, and not againſt their compenſation pay. How deductions are to be charged. Sect 4.

Commanders of ſhips or veſſels to ſubſcribe their names to the bills of lieutenants, maſters, or ſurgeons, and alſo the word "*approved*," in token of their knowledge of their being entitled to draw for ſuch nett amount of perſonal wages or pay. Commanders to approve of drafts. Sect. 5.

If removed from one ſhip or veſſel to another, they may draw for the whole of the pay due to them to the day of their entering on board the next ſhip or veſſel, provided the time amounts to the ſpace of three months or more. Officers removed. Sect. 6.

Captains and commanders ſent to ſick quarters, may draw for their perſonal wages or pay, at the expiration of ſix weeks from the time of their having been ſo diſcharged. Captains ſent to ſick quarters. Sect. 7.

If any lieutenant, maſter, or ſurgeon, ſhall be diſcharged to ſick quarters, the captain or commander of the ſhip or veſſel which he belonged to, ſhall cauſe to be made out and Lieutenants, maſters, or ſurgeons ſent to ſick quarters. Sect. 8, 9, 10.



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35 Geo. 3. c. 94. delivered to him an extract from the ship's books, agreeable to the form annexed *; and if he remain at sick quarters for a longer time than six weeks, the physician or surgeon attending him shall certify the same on the back of such extract, at the expiration of that time, agreeable to the annexed form †, and he may then draw bills for his pay to that period, dated from sick quarters. If the ship or vessel he belonged to shall have left the station, any commander of any other ship or vessel may approve his bill, in token of his having seen the extract, and the surgeon's certificate on the back thereof.

Captains removed. Sect. 11. Captains and commanders removed from one ship to another before three months pay shall be due, may draw bills at the expiration of three months from the last payment, which bills shall distinguish the periods they shall have served on board such ships or vessels.

Lieutenants, masters, or surgeons, removed before 3 months pay due. If any lieutenant, master, or surgeon is removed from one ship or vessel to another, before three months pay shall be due to him, the captain or commander of such ships shall cause

* Form of Extract from Ship's Books.

First Rate. [Britannia, Lieut. Thomas Bowling,] sent to sick quarters, day of

Full pay from day of to day of £

Amount of deduction

£

Certified by
A. B. Captain of

† Form of Physician or Surgeon's Certificate.

Haslar, day of

These are to certify, that [Lieut. Thomas Bowling,] of his Majesty's ship [the Britannia,] was received into the Hospital, on the day of and not being cured, still remains under my care.

C. D. {Physician, / Surgeon,} of



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to be made out a ſimilar extract, as in caſe of an officer going to ſick quarters; and, when he ſhall have completed the ſpace of three months from the laſt payment, he may then draw bills, which ſhall ſpecify the periods he ſhall have ſerved on board ſuch ſhips; and the captain or commander of the ſhip or veſſel to which he ſhall have been ſo removed, ſhall ſubſcribe his name and word "*approved*," 35 Geo. 3. c. 94.

If any officer ſhall knowingly draw any bill for pay to which he may not be entitled, he ſhall be caſhiered and rendered incapable ever after of ſerving his Majeſty in any civil or military capacity. Officers drawing when not entitled.

All ſuch bills to be drawn upon the Commiſſioners of the Navy, ſhall be payable ten days after ſight, and ſhall be negotiable by indorſement, in the ſame manner as bills of exchange, and when they ſhall be preſented to the Commiſſioners of the Navy, together with the extracts from the ſhip's books and ſurgeon's certificates, as the caſe may be, if they ſhall not ſee cauſe againſt it, they ſhall aſſign the ſame upon the Treaſurer of the Navy for payment *.

* Form of the Aſſignment.

No. I.

To be paid by the Treaſurer of his Majeſty's Navy out of £ received day of , under the head of Wages to pay Officers.

G. H
J. K. } Commiſſioners of the Navy.
L. M.

By virtue of the act of 35th Geo. III.

N. B. The forging of this bill, or procuring any other perſon to forge the ſame, in order to receive any part of the wages or pay of any commiſſioned officer, maſter, or ſurgeon in the royal navy, is made felony without benefit of clergy by the act of 35th Geo. III.



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35 Geo. 3. c. 28. s. 16. Flag-officers.

Flag-officers shall be allowed to include their table-money in any bills they may draw under the authority of this act.

How the accounts are to be kept in the Navy-Office. Sect. 17, 18.

Two ledgers are to be kept, one by the Commissioners of the Navy, and another by the Treasurer of the Navy, in which an account current is to be opened with every officer who shall receive pay under this act: he shall be charged therein with the amount of the bills which he shall draw, and which shall remain as his debt, until he shall have regularly passed his accounts. When his accounts shall have been passed, the Commissioners of the Navy shall grant three certificates, being triplicates of each other, specifying the amount of wages or personal pay, which he shall have been entitled to for his services; one triplicate of such certificate shall be delivered or transmitted to the officer or his attorney, and the other two triplicates shall be lodged in the offices wherein the ledgers shall be kept, and the amount specified in the same shall be placed to the credit of the officer upon whose account it shall have been made out.

Treasurer of the Navy to pay assignments. Sect. 19.

The Treasurer of the Navy shall pay all bills assigned upon him by the Commissioners of the Navy, in pursuance of this act.

Half-pay, pensions, or bounties, may be received from revenue-officers, &c. Sect. 20, 21, 22.

Any commissioned or warrant officer on half-pay, on orders of any commissioned or warrant officer, or other person entitled to receive any pensions, payable by the Treasurer of the Navy, or any widow, parent, or child, of any officer, seaman, or marine, slain in battle against the enemy, who shall be entitled to receive bounty, and shall be desirous to receive such half-pay, pension, or bounty, from any revenue-officer or clerk of the check near the

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place of their reſidence, they may apply (when- 35 Geo. 2. c. 28.
ever they ſhall be entitled to ſuch bounty, or at the period when ſuch half-pay or penſion ſhall be payable, of which due notice will be given in the London Gazette) by letter to the Treaſurer of the Navy, to have the ſame paid to them near the place of their reſidence as aforeſaid, at the ſame time tranſmitting the uſual affidavits, vouchers, or documents (as the caſe may be); the Treaſurer of the Navy ſhall thereupon cauſe a liſt to be made out and tranſmitted to the Commiſſioners of the Navy of thoſe who ſhall direct him, to make out two remittance bills, being duplicates of each other, and to tranſmit one to the perſon to whom it ſhall be made payable, and the other to the revenue officer or clerk of the check, named by ſuch perſon, who ſhall pay the ſame on production of the duplicate, without fee, reward, or deduction, on any pretence whatever, if claimed within ſix calendar months; ſuch bills, with the duplicates thereof, to be tranſmitted by the perſon who ſhall pay the ſame to the Commiſſioners of the Navy, who ſhall aſſign them for payment, and they ſhall be immediately repaid by the Treaſurer of the Navy: but if ſuch bills ſhall not be claimed within ſix calendar months, the revenue officer or clerk of the check, ſhall return them to the Treaſurer of the Navy, to be cancelled, and the amount due upon them will remain due to the party, to be paid upon any future application.

When revenue-officers, &c. are to pay perſons applying to them. Sect. 23.

If the revenue officer ſhall not have money in his hands when ſuch bill is tendered to him, he ſhall indorſe thereon the date of its being ſo tendered to him, and the cauſe of his refuſal to pay the ſame, and ſhall appoint another day within the ſpace of one month from the



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35 Geo. 2. c. 28. date of the bill being preſented to him; and if he ſhall unneceſſarily delay the payment, or receive or take any fee, reward, gratuity, diſcount, or deduction whatſoever, he ſhall be ſubject to a fine not exceeding 50l.

Infirm perſons need not apply in perſon. Sect. 24. If the party be diſabled by infirmity from applying in perſon to the revenue officer, to whom the bill is addreſſed, it ſhall be paid to their order in writing, on producing a certificate to that effect, from the miniſter and churchwarden, or elder, or the phyſician, ſurgeon, or apothecary attending them, and upon a proper receipt being given on the back of the ſame, witneſſed by the perſon who receives the money.

When to extend to Ireland. Sect. 25, 26, 27. As ſoon as an act is paſſed by the legiſlature of the kingdom of Ireland, extending the proviſions of this act to that country, the ſame indulgencies and advantages will be extended to parties of the ſame deſcription reſiding in Ireland.

Payment to be without deductions. Sect. 28. All bills, &c. hereinbefore directed to be drawn, ſhall be paid, without any deduction or abatement whatever; and every perſon withholding any part thereof, under any pretence whatever, to be fined 20l.

Packets ſent free. Sect. 29. All packets and letters in the execution of this act, ſhall be ſent, poſtage free, by the perſon appointed by the Treaſurer of the Navy; and if he ſhall ſend any other papers under any pretence whatever, he ſhall be fined in a penalty of 100l. [*Such perſon, ſo appointed, ſhall not receive letters or packets free; but all ſuch letters and papers on the buſineſs of this act, muſt be addreſſed in the following words: "To the Treaſurer or Paymaſter of his Majeſty's Navy, London."*]

Treaſurer's vouchers. Sect. 30. All orders, bills, remittance-bills, or certificates, paid by the Treaſurer of the Navy, ſhall

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be deemed ſufficient vouchers on paſſing his accounts. 35 Geo. 3. c. 28.

All orders, bills, remittance-bills, or certificates, drawn under the authority of this act, and all other bills drawn by the Commiſſioners of the Navy, Victualling, Sick and Hurt, and Tranſports, upon the Treaſurer of the Navy, under the authority of any other acts, ſhall thenceforward be free from ſtamp duty; nor ſhall any ſtamp receipt whatever be required for monies paid on the ſame; but the receipt ſhall be taken on the back of the inſtrument by which the money is paid. Free of ſtamps. Sect. 31, 32.

Remittance-bills or tickets, which by former acts were directed for payment to the receiver-general of the land tax for the city of London, or county of Middleſex, may be directed for payment to the Treaſurer of the Navy. Remittance bills may be paid to the Treaſurer of the Navy. Sect. 33.

The forging of any bill, certificate, or extract, drawn under the authority of this act, ſhall be puniſhable with death. Forging. Sect. 34.

The Commiſſioners of the Navy ſhall iſſue ſufficient quantities of blank bills, &c. with inſtructions relative to the ſame, to all captains and commanders in the navy and to all other perſons to whom the ſame ſhall be neceſſary; and the Treaſurer of the Navy ſhall cauſe an abſtract of this act to be printed, and a competent number of copies to be ſent to the Commiſſioners of the Navy, the Commiſſioners of the Cuſtoms and Exciſe, in England or Scotland, and to the clerks of the check in the different dock-yards, who are to affix the ſame in ſome conſpicuous part of their offices; and the Lords of the Admiralty are to cauſe a competent number of the ſame to be delivered to the captain or commander of every veſſel in the ſervice of his Majeſty. Abſtracts, &c. Sect. 35.



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By the 37th Geo. III. c. 53. relative to the increaſe of allotment of the pay of petty officers, ſeamen, &c. for the maintenance of their wives and families, the directions of the 35th Geo. III. c. 28. are ſtill continued; but the proportions allotted are altered, and are to be calculated according to the following table.

## A TABLE,

Shewing the Allowance to be granted by Allotment, calculated according to the Rates of Pay *per* Month.

| PAY. | | | ALLOWANCE, | | | | | |
|---|---|---|---|---|---|---|---|---|
| *Per* Month. | | | *Per* Day. | | | *Per* Month. | | |
| £. | s. | d. | £. | s. | d. | £. | s. | d. |
| 5 | 0 | 0 | 0 | 1 | 9 | 2 | 9 | 0 |
| 4 | 15 | 6 | 0 | 1 | 8 | 2 | 6 | 8 |
| 4 | 10 | 0 | 0 | 1 | 7 | 2 | 4 | 4 |
| 4 | 5 | 6 | 0 | 1 | 6 | 2 | 2 | 0 |
| 3 | 15 | 6 | 0 | 1 | 4 | 1 | 17 | 4 |
| 3 | 11 | 6 | 0 | 1 | 3 | 1 | 15 | 0 |
| 3 | 5 | 6 | 0 | 1 | 2 | 1 | 12 | 8 |
| 3 | 1 | 8 | 0 | 1 | 1 | 1 | 10 | 4 |
| 2 | 19 | 6 | 0 | 1 | 0½ | 1 | 9 | 2 |
| 2 | 17 | 6 | 0 | 1 | 0 | 1 | 8 | 0 |
| 2 | 15 | 6 | 0 | 0 | 11½ | 1 | 6 | 10 |
| 2 | 13 | 4 | 0 | 0 | 11 | 1 | 5 | 8 |
| 2 | 10 | 6 | 0 | 0 | 10½ | 1 | 4 | 6 |
| 2 | 7 | 6 | 0 | 0 | 10 | 1 | 3 | 4 |
| 2 | 5 | 6 | 0 | 0 | 9½ | 1 | 2 | 2 |
| 2 | 2 | 6 | 0 | 0 | 9 | 1 | 1 | 0 |
| 2 | 1 | 6 | 0 | 0 | 8½ | 0 | 19 | 10 |
| 2 | 0 | 6 | | | | | | |
| 1 | 19 | 6 | 0 | 0 | 8 | 0 | 18 | 8 |
| 1 | 19 | 3 | | | | | | |
| 1 | 17 | 6 | 0 | 0 | 8 | 0 | 18 | 8 |
| 1 | 15 | 6 | 0 | 0 | 7½ | 0 | 17 | 6 |
| 1 | 13 | 6 | 0 | 0 | 7 | 0 | 16 | 4 |
| 1 | 11 | 6 | 0 | 0 | 6½ | 0 | 15 | 2 |
| 1 | 10 | 6 | | | | | | |
| 1 | 9 | 6 | 0 | 0 | 6 | 0 | 14 | 0 |
| 1 | 3 | 6 | 0 | 0 | 5 | 0 | 11 | 8 |
| 1 | 2 | 6 | 0 | 0 | 4½ | 0 | 10 | 6 |
| 0 | 19 | 3 | 0 | 0 | 4 | 0 | 9 | 4 |
| 0 | 14 | 0 | 0 | 0 | 3 | 0 | 7 | 0 |

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## Seamen—Merchant Service.

THE various obſtructions to navigation, commerce, and trade, for the want of regulations relative to ſeamen in the merchant ſervice, and the numerous abuſes committed by ſeamen who had engaged to perform certain voyages, and after being ſo engaged frequently deſerted, and brought actions to recover their wages, although they had never performed thoſe voyages for which ſuch wages were to be paid; and the great difficulties and expences ſuſtained by merchants from the practice, then too prevalent, of ſeamen, after having in part performed the voyage, and afterwards quitting their ſhips in foreign parts, in conſequence of which ſuch ſhips were detained for want of hands; all theſe evils, ſo detrimental to trade and navigation, and conſequently eſſentially deſtructive to the welfare of the ſtate, induced the Legiſlature to paſs an act, entitled, "An Act for the better Regulation and Government of Seamen in the Merchant Service." By this act every ſeaman is bound to enter into an agreement in writing, for the due performance of his contract; and various other regulations were alſo made by this and ſubſequent acts, reciprocally for the benefit of the ſeaman and his employers—a fund is alſo provided for the ſupport of decayed ſeamen in the merchant ſervice, and every merchant ſeaman, who ſhall be wounded in defending his ſhip againſt the enemy, is equally entitled with ſeamen of the Royal Navy, to the benefit of Greenwich Hoſpital.

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Agreements between maſters of ſhips and mariners for wages to be made in writing, on pain of forfeiture of 5l. for each mariner. 2 Geo. 2. c. 36.

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2 Geo. 2. c. 36. s. 2. Agreements in writing to be entered into within three days after entering.

All ſeamen or mariners, entering on board any merchant ſhip or veſſel, on any intended voyage for parts beyond the ſeas, ſhall be obliged to ſign ſuch agreement or contract within three days after they ſhall have entered; which agreement ſhall be concluſive after the ſigning to all parties during the times ſo agreed or contracted for.

Sect. 3.

Mariners deſerting after ſigning ſuch contract or agreement, to forfeit their wages.

Sect. 4.

Juſtices of the peace may commit mariners ſo deſerting to the houſe of correction.

Sect. 5.

If any ſeaman or mariner ſhall abſent himſelf from the ſhip or veſſel to which he belongs, without leave from the maſter or commander of ſuch veſſel or other chief officer, having the charge thereof, ſuch ſeaman or mariner ſhall for every ſuch day's ſervice forfeit two days pay to the uſe of Greenwich Hoſpital.

Seamen deſerting without receiving a diſcharge in writing, to forfeit 3 months pay. Sect. 6.

In caſe any ſeaman or mariner, not entering into the ſervice of his Majeſty, ſhall leave ſuch ſhip to which he ſhall belong, before he ſhall have a diſcharge in writing from the maſter, or other perſon having charge of the ſhip, ſuch mariner, ſo quitting his ſhip, ſhall forfeit one month's pay.

Wages to be paid within 30 days after entry of ſhip at the Cuſtom-Houſe. Sect. 7.

Upon the arrival of any ſhip or veſſel into Great Britain from parts beyond the ſeas, the maſters or commanders of ſuch ſhips are obliged to pay the ſeamen and mariners on board their wages, if demanded, in thirty days after the ſaid ſhips or veſſels have entered at the Cuſtom-Houſe, (except in caſes where a covenant ſhall be entered into to the contrary), or at the time the ſaid ſeamen and mariners ſhall be diſcharged, which ſhall firſt happen, if demanded, deducting out of ſuch wages the

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penalties and forfeitures by this act impoſed, under the penalty of paying to each ſeaman or mariner ſo unpaid, twenty ſhillings, over and above the wages due. 2 Geo. 2. c. 36.

No ſeaman or mariner, ſigning ſuch contract, ſhall be deprived of or hindered from uſing any means for the recovery of wages againſt any ſhip, or the maſter, or owners thereof, which he may now lawfully make uſe of; and in all caſes where it ſhall be neceſſary that the contract or agreement ſhall be produced in court, the maſter or owners of the ſhip for which the wages ſhall be demanded, ſhall produce the ſame; and no ſeaman or mariner ſhall fail in any ſuit, action, or proceſs for recovery of wages for want of ſuch contract or agreement being produced. Agreement to be produced by the maſter or owners of the veſſel. Sect. 8.

Maſters to deduct out of wages all penalties to Greenwich Hoſpital, to be paid and accounted for to the ſame officer at any port or place who collects the ſixpence per month, which officer is empowered to adminiſter an oath to every commander or maſter reſpectively, touching the truth of ſuch penalties and forfeitures. Sixpence per month to be deducted out of the wages. Sect. 9.

All forfeitures incurred and appropriated to Greenwich Hoſpital, to be paid within three months. Sect. 10.

Nothing in this act contained ſhall extend, or be conſtrued to extend, to debar any ſeaman or mariner belonging to any merchant ſhip or veſſel, from entering, or being entered into the ſervice of his Majeſty; nor ſhall ſuch ſeaman or mariner, for ſuch entry forfeit the wages due to him, during the time of his ſervice in ſuch merchant ſhip or veſſel; nor ſhall ſuch entry be deemed a deſertion *. This act not to debar ſeamen from entering into the king's ſervice. Sect. 13.

* Made perpetual by 2 Geo. 3. c. 31. and extended to America.

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8 Geo. 2. c. 29. Every ſeaman on board a merchant ſhip, and who ſhall be maimed in fight againſt any pirate, or againſt any enemy of his Majeſty, ſhall be provided for in Greenwich Hoſpital.

20 Geo. 2. c. 38. A ſociety is appointed and incorporated by the name of, *The Preſident and Governors for the Relief and Support of ſick, maimed, and diſabled Seamen, and of the Widows and Children of ſuch as ſhall be killed, ſlain, or drowned in the Merchant Service.*

Governors of the corporation to make allowance to ſeamen maimed, and the widows and children of thoſe ſlain. Sect. 2. The preſident and governors of the ſaid corporation, are authorized and empowered, to provide in ſuch hoſpital for the reception of ſuch ſeamen as ſhall be rendered incapable of preſent or future ſervice, by ſickneſs, wounds, or other accidental misfortunes, and thoſe who ſhall become decrepid, or worn out by age; or ſhall provide for ſuch ſeamen by allowing them certain penſions, or otherwiſe, as ſhall appear moſt for the advantage of the charity; and alſo to relieve the widows and children of ſuch ſeamen as ſhall be killed, ſlain, or wounded in the ſaid ſervice; and to make reaſonable allowances to thoſe who ſhall loſe an eye or a limb, or be otherwiſe hurt or maimed, in fighting, defending, or working the ſhip in which they reſpectively ſerve, or in loading or unloading the cargoes thereof, or otherwiſe howſoever, in doing their duty in the ſaid ſervice, in proportion to the damage or hurt they ſhall reſpectively receive.

Sect. 3. Seamen, and widows, and children, to be entitled to the benefits of the hoſpital, to produce certificates of their hurt, &c.

No ſeaman ſhall be provided for by penſion, or otherwiſe, as decrepid or worn out, unleſs ſuch ſeaman ſhall have ſerved in the merchant

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ſervice for the ſpace of five years, and contributed ſixpence per month, out of his wages for that time, to be applied to the purpoſes of this act. 10 Geo. 2. c. 38.

Perſons forging certificates to be incapable of receiving any of the benefits of this act, and to be puniſhed as incorrigible rogues. Sect. 4.

Every ſeaman and maſter of a veſſel to pay ſixpence per month to this hoſpital, and maſters of ſhips may deduct the ſame out of the wages of ſuch ſeamen. Sect. 17, 18.

Maſters of merchant ſhips to keep a muſter-roll, upon which the name of ſuch maſter, and the chriſtian and ſurnames of all the officers and mariners on board ſhall be entered, and deliver a duplicate to the collector of the cuſtoms of the port to which ſuch veſſel ſhall belong; the original muſter-roll to be kept during the voyage.

Every maſter, commander, or owner of any merchant ſhip, or any other private ſhip or veſſel, navigating the ſame, or ſuch other perſon who ſhall have the care thereof, ſhall keep a book by way of muſter-roll, in which ſhall be entered his own chriſtian name and ſurname, and the chriſtian name and ſurnames of all the officers, ſeamen, or other perſons employed in ſuch ſhip or veſſel, with the uſual place of their abode when on ſhore; and over againſt each name the time when and place where ſuch ſeaman or other perſon entered into the ſervice of ſuch ſhip or veſſel; and in what ſhip or veſſel he performed his laſt voyage; a duplicate whereof ſhall be ſigned by the ſaid maſter, &c. and delivered before the departure of ſuch ſhip or veſſel, to the receiver or collector of the ſaid duties at the reſpective port to which ſuch ſhip

Maſters of ſhips to keep a muſter-roll, and deliver duplicates to the collectors, &c. Sect. 20.

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20 Geo. 2. c 38. Muſter roll to be kept during the voyage.

or veſſel belongs: which ſaid book or muſter-roll ſhall be kept during the whole courſe of the voyage by the ſaid maſter, who ſhall from time to time enter therein, when and where any ſuch maſter, officers, ſeamen, or other perſon, ſhall be diſcharged from, or ſhall leave or deſert ſuch ſhip or veſſel; and when and where any other officers or men ſhall be ſhipped on board, deſcribing them in the like manner as the perſons who firſt entered on board; and when and where any of them received any hurt or damage, or were killed, ſlain, or drowned: a duplicate of which continuation of the muſter-roll ſhall be likewiſe ſigned by the maſter, and delivered, at the return of the ſhip to the receiver or collector of the ſaid duties at the reſpective port to which ſuch ſhip or veſſel does belong: and true copies of the ſaid duplicates ſhall be made by ſuch receiver or collector, which ſhall be filed and kept by him; and the original duplicates ſhall be tranſmitted by ſuch receiver or collector to the preſident and governors aforeſaid, to be filed and kept; and maſters, &c. neglecting or refuſing to deliver ſuch duplicates, and receivers or collectors neglecting or refuſing to file and tranſmit the ſame, to forfeit 20l.

Duplicate to be ſigned and delivered to the collector.

Copies to be filed, and the originals tranſmitted to the governors.

Sect. 21. Collectors and receivers of the cuſtoms may examine maſters of veſſels upon oath; and maſters or commanders, or (in their abſence) ſuch owners, as ſhall neglect or refuſe to appear when ſo ſummoned, or appearing and refuſing to anſwer upon oath, ſhall, for every ſuch refuſal, forfeit 20l.

Sect. 22. Secretaries or chief clerks of the navy, victualling, ordnance, cuſtoms, poſt-office, or other public offices in his Majeſty's ſervice,

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uſually having or employing ſhips or veſſels in the ſervice of his Majeſty, ſhall deliver liſts of the ſhips, and crews ſo hired to the collector. 20 Geo. 2. c. 38.

Maſters of merchantmen to pay the ſixpence per month to the collector of the port to which ſuch ſhip belongs: and no ſhip to go out of port until the maſter of ſuch ſhip or veſſel ſhall produce an acquittance or certificate, ſigned by the ſaid receiver or collector of the ſaid duties, whereby it ſhall appear that the ſaid duties are fully paid and diſcharged; and maſters, &c. refuſing or neglecting to pay the ſaid duties within the time limited, ſhall for every ſuch refuſal or neglect forfeit the ſum of 20l. Sect. 23.

In caſe the maſter, commander, or owner of any ſhip or veſſel ſhall not produce ſuch acquittance or certificate to the tide ſurveyor when he ſhall come on board in order to clear ſuch ſhip or veſſel, the tide-waiters on board ſuch ſhip or veſſel ſhall be continued, until ſuch acquittance or certificate is produced, at the expence of ſuch owner, maſter, or commander, and not at the expence of the crown. Sect. 24.

Truſtees are appointed at the out-ports for receiving the ſixpence per month from maſters of ſhips, or ſeamen employed by owners reſiding in the out-ports. Sect. 27.

Merchants, adventurers of Briſtol, and the Trinity-Houſe of Kingſton-upon-Hull, are appointed truſtees at each of theſe ports reſpectively. Sect. 28, 29.

Collectors of the out-ports to ſend muſter-rolls to the truſtees there. Sect. 30.

Seamen not paying the ſaid duty of ſixpence per month, not to be benefited by virtue of this act. Sect. 31.

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20 Geo. 2. c. 38. s. 32. Thoſe ſeamen who have ſerved longeſt to be firſt provided for.

Maimed ſeamen to be provided for till removed to the port where the veſſel belongs, and allowed 2d. per mile. Sect. 33. The ſaid preſident and governors at the port of London, and the reſpective truſtees for the out-ports, are to provide proper relief for ſeamen, &c. hurt or maimed on board merchant ſhips until they ſhall be ſo well recovered of ſuch hurt or damage as to be removed and ſent with ſafety to the reſpective port to which ſuch ſhip or veſſel ſhall belong; and the expence of removing and ſending ſuch ſeaman or other perſon to ſuch reſpective port, not exceeding two-pence per mile, ſhall be paid by the ſaid preſident and governors at the port of London, or by the truſtees for the reſpective out-port to which ſuch ſeaman or other perſon ſhall be ſo removed and ſent.

Sect. 34. Diſabled ſeamen, having ſerved and paid five years, who ſhall be adjudged proper objects of relief, ſhall be provided for and relieved at the reſpective port where they ſhall have contributed, and paid the greateſt part of the ſaid duty of ſixpence per month for the laſt five years of their ſervice.

Sect. 35. Seamen ſhipwrecked, or made priſoners may be relieved in any manner the governors, truſtees, &c. may think proper.

Sect. 36. Where regular certificates cannot be had, ſuch other certificates as ſhall be ſatisfactory to the ſaid preſident and governors, or truſtees reſpectively, ſhall be received and allowed, to entitle the party producing the ſame to the penſions, or other relief provided by this act.

Sect 37. Maſters and ſeamen in the Eaſt India Company's ſervice are exempt from the payment of

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the ſixpence per month; ſeamen's widows, children, &c. of killed, ſlain, or drowned in their ſervice, being provided for by a ſufficient fund eſtabliſhed for that purpoſe by the Company, are excluded from the benefit of this act. 20 Geo. 2. c. 38.

The remaining ſections of this act relate to the application and recovery of penalties.

The above act made perpetual, and the proviſions thereof extended to his Majeſty's colonies in America. 2 Geo. 3. c. 31.



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## Smugglers—Smuggling and Running Goods.

THE various acts of parliament which have been paſſed, more particularly during the preſent Adminiſtration, have been ſo judiciouſly applied, that very few of thoſe practices formerly and ſucceſsfully carried on, for defrauding the revenue, can be now effectual. The laws relative to the regiſtering of ſhips, boats, &c. abſtracted in another part of this work, poſſeſs the double advantages of aſcertaining the ſtate of ſhipping, and the number of ſeamen which could be called forth upon an emergency, and alſo preventing, or more ſurely convicting perſons guilty of defrauding the revenue, and otherwiſe; by theſe regulations, to which muſt be added, the vigilance of officers, the lowering the duties, &c. ſmuggling may now be conſidered as nearly annihilated.

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Rum imported in caſks under 20 gallons ſhall be forfeited, unleſs it ſhall be made appear, to the ſatisfaction of the principal officers of the cuſtoms at the port of importation, that ſuch rum was for the uſe of the maſter or ſeamen belonging to the ſhip.

5 Geo 3. c. 11. ſ. 1. Rum imported in caſks of leſs than 20 gallons to be forfeited. 7 Geo. 3. c. 35.

Foreign goods, taken in at ſea, by any collier, fiſhing-boat, or other coaſting veſſel, out of any ſhip or veſſel whatever, in order to be landed, or put into another ſhip or veſſel, without payment of the cuſtoms and duties, ſuch goods ſhall be forfeited, and the maſter ſhall forfeit treble the value, unleſs the goods have been taken on board in caſe of neceſſity.

Foreign goods taken in at ſea to be forfeited. Sect. 3.

All goods not reported, and found on board after clearing the ſhip by the proper officers of the cuſtoms, ſhall be forfeited.

Sect. 4.

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If the maſter or other perſon taking charge of a ſhip or veſſel, ſhall ſuffer any brandy or other prohibited goods to be put out of his ſhip into any veſſel, hoy, or lighter, or ſhall receive on board any wool, wool-flock, fuller's earth, or tobacco-pipe clay, for exportation, he ſhall, beſides the exiſting penalties, ſuffer ſix months impriſonment without bail or mainprize. 6 Geo. 1. c. 21. ſ. 32. Perſons taking on board prohibited goods, ſhall, beſides penalties, ſuffer 6 months impriſonment.

The rule of meaſuring ſhips laden with brandy or other ſpirits as aforeſaid, and hovering on the coaſt, is by taking the length of the keel within board, and the breadth within board, by the midſhip beam, from plank to plank, and half the breadth for the depth; then multiply the length by the breadth, and that product by the depth, and divide the whole by 94, the quotient will give the true contents of the tonnage. Rule for admeaſurement of tonnage. Sect. 33.

Perſons aſſembled to the number of eight or more, hindering forcibly, or wounding officers of the cuſtoms in the execution of their duty, to be tranſported for ſeven years. Obſtructing officers of the cuſtoms. Sect. 34.

Any offender, diſcovering his accomplices within two months after the offence, ſo as two of them may be convicted, ſhall have 40l. for each, and be diſcharged of his offence. Reward for offenders, diſcovering their accomplices. Sect. 36.

Other perſons diſcovering offenders within three months, to have 40l. for each offender convicted; to be paid by the receiver-general of the cuſtoms, on certificate of the judge who tried the offenders. Rewards to other perſons. Sect. 37, 38.

After the ſeizure and condemnation of all ſuch ſhips, veſſels, or boats, the principal officers of the cuſtoms ſhall cauſe their hulls to be burnt, and the tackle, furniture, &c. to be publicly ſold to the beſt advantage *. Ships condemned, &c. to be burned. 8 Geo. 1. c. 18. ſ. 2.

* But ſee 12 Geo. 1. c. 28. ſ. 14. and 33 Geo. 2. c. 9. ſ. 16.



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8 Geo. 1. c 18. Boats rowing with more than four oars, to be forfeited and burnt. Sect. 3.

Boats made or built to row with more than four oars, and found upon the water, or in any barge-houſe, work-houſe, &c. within any of the counties of Middleſex, Surry, Kent, or Eſſex, or in the river of Thames, or within the limits of the ports of London, Sandwich, or Ipſwich, ſuch boat, &c. ſhall be forfeited, and the owner, or any perſon uſing or rowing the ſame, ſhall forfeit 40l. and ſuch boat, after condemnation, to be burnt, and wholly deſtroyed.

Sect. 4.

This act not conſtrued to extend to barges of the royal family, ſhip-boats, and boats licenſed by the admiralty.

9 Geo. 2. c. 35. ſ. 7.

Any perſon liable to tranſportation for ſuch offences, and that ſhall receive the benefit of this act, and ſhall afterwards commit any of the ſaid offences, he ſhall ſuffer death.

Perſons not entitled to the benefit of this act. Sect. 8.

Perſons neglecting to pay compoſition for offences, excepted from any benefit of this act; alſo all ſeizures, and money due for the entry of goods unlawfully imported, and on bonds for goods imported, bonds given by officers of the cuſtoms or exciſe, debts on debentures fraudulently obtained.

Three or more perſons aſſembled with offenſive weapons, &c. to run goods, to be tranſported for 7 years. Sect. 10.

On information, that three or more perſons are aſſembled with offenſive weapons, to run goods, &c. to the hindrance of the officers of the cuſtoms and exciſe, in their duty, a juſtice may grant his warrant to any conſtable for apprehending the offenders; and if on examination he ſees cauſe, may commit them to the county gaol; on conviction they ſhall be tranſported for ſeven years as felons; and any ſuch offender, returning before the expiration of the ſaid term to Great Britain or Ireland, ſhall ſuffer death.

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Reward of 50l. for apprehending ſuch offenders; and a further reward of 50l. to any perſon maimed in apprehending, or to the executors of any perſon killed, on certificate of the judge of the aſſize, or two next juſtices.

9 Geo. 2 c. 35. Rewards for apprehending offenders. Sect. 11.

Offenders diſcovering two accomplices before conviction, to the commiſſioners of the cuſtoms or exciſe, ſo as to be convicted, to be diſcharged, and entitled to the reward of 50l.

Offenders diſcovering two accomplices entitled to reward. Sect. 12.

Two or more perſons, found paſſing within five miles of the ſea, with one or more horſes, and carts, having more than ſix pounds of tea, five gallons of ſpirits, or any other foreign goods to the value of 30l. not having paid duty, and without a permit, or bearing offenſive arms, or being maſked, or forcibly obſtructing any officers of the cuſtoms or exciſe, deemed runners of foreign goods, within 8 Geo. 1. c. 18. and to be tranſported for ſeven years; the proof of entry and payment of duties, to lie on the perſons found with the goods.

What perſons to be deemed runners of foreign goods. Sect. 13.

Goods found ſo carrying together with the weapons, furniture, horſes, and carriages, forfeited.

Sect. 14.

A reward of 50l. over and above other rewards ſhall be given to any perſon maimed or dangerouſly wounded, in apprehending ſuch offenders, or to the executor of a perſon killed, on certificate of the judge of aſſize, or two next juſtices.

Additional rewards of 50l. to perſons maimed, &c. Sect. 15.

Perſons diſcovering their accomplices within three months after the offence, entitled to 50l. for each offender convicted, over and above the other rewards, to be paid by the receivers general of the cuſtoms and exciſe; on diſputes the commiſſioners to adjuſt the ſhares.

Additional reward to perſons diſcovering their accomplices. Sect. 16, 17.



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9 Geo. 2. c. 35. Punishment of persons lurking with intent to assist in running goods. Sect. 18.

Persons lurking within five miles of the sea, or a navigable river, with intent to assist in running goods, and not giving account of themselves to a justice, to be sent to the house of correction, whipped, and kept to hard labour, not exceeding a month, and the informer to have 20s. for each offender from the commissioners of the customs and excise respectively.

Persons desiring time to make defence, not to be committed. Sect. 19.

If any person so apprehended shall desire time to make his defence, he is not to be punished by whipping, or other correction, but committed till he makes proof, or gives security not to be guilty of the like offence.

Tea, brandy, &c offered to sale without permit, may be seized. Sect. 20.

Any person offering tea, brandy, &c. to sale, without a permit, or any hawker, &c. offering to sale, tea, brandy, &c. with or without a permit, the person to whom offered, may seize or carry it to the next warehouse for customs or excise, and bring the seller to a justice to be committed. The seizer may prosecute, and be entitled to a third of the produce; and the commissioners of customs or excise may advance one shilling for every pound of tea or gallon of spirits; to be replaced out of the produce of the sale.

Treble value to be forfeited by persons convicted of having run goods in their custody. Sect. 21.

Treble value forfeited by a person convicted before a justice of carrying or having the custody of prohibited or run goods; half to the informer, and half to the poor of the parish; in default of distress the offender to be committed and whipped, and kept to hard labour not exceeding three months.

Ships from abroad having 6 lb. of Tea, or foreign brandy in casks under 60 gallons, at anchor, or hovering, such goods to be forfeited; or if under 100 tons the ship to be forfeited

Ships from abroad having six pounds of tea, or foreign brandy in casks under 60 gallons, (except for the use of the seamen, not exceed-

9 Geo. 2. c. 35. § 22. 5 Geo. 3. c. 43. § 5.

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ing two gallons a man), found at anchor or hovering within the limits of any ports, or within two leagues of the ſhore, and not proceeding on their voyage; except in caſe of neceſſity, of which notice is to be given to the principal officer of the port; all ſuch tea and brandy forfeited, with the packages, whether bulk be broken or not *. 9 Geo. 2. c. 35. ſ. 22. 5 Geo. 3. c. 43. ſ. 5. Sect. 27.

Foreign goods, being taken out of a ſhip within four leagues of the coaſt, without paying duty, (unleſs in caſe of neceſſity, of which notice to be given to the principal officer of the port,) are forfeited, and the maſter forfeits treble the value; and the veſſel into which they are put, if not above 100 tons, is forfeited. Foreign goods taken out of ſhips within 4 leagues of the coaſt, without paying duty, to be forfeited. 9 Geo. 2. c. 35. ſ. 23.

Any perſon attempting to bribe any officer of the cuſtoms or exciſe to connivance, ſhall forfeit 50l. Sect. 24.

All penalties and forfeitures incurred by this act to be applied, half to the crown and half to the informer or proſecutor, and to be recovered in any court at Weſtminſter, or in the exchequer at Edinburgh. Application and recovery of penalties. Sect. 25.

All goods found concealed in any ſhip after the maſter's report at the cuſtom-houſe, forfeited, and may be ſeized; and the maſter, being privy to the concealment, to forfeit treble the value. Goods found conceal'd, &c. forfeited. Sect. 27.

Perſons forcibly obſtructing or beating officers of the cuſtoms or exciſe on ſhip board, when in the execution of their duty, to be tranſported for ſeven years. Perſons obſtructing officers when on board, to be tranſported. Sect. 28.

* Or having 20 lb. of coffee, 5 Geo. 3. c. 43. ſ. 38. The ſhip is forfeited if under 50 tons, by 3 Geo. 3. c. 22. ſ. 5. or if under 100 tons, ſo importing ſpirits, 5 Geo. 3. c. 43. ſ. 27.



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9 Geo. 2. c. 35. Officers may ſearch ſhips. Sect. 29.

Any officer of the cuſtoms or exciſe, producing his deputation, if required, may go on board any coaſting veſſel in any port, and ſearch the ſhip, and continue on board while the ſhip ſtays in port.

Any perſon obſtructing ſuch officer, ſhall forfeit 100l.

Penalty upon perſons knowingly harbouring offenders to the prejudice of the revenue. Sect. 30, 31.

The penalty of 100l. ſhall be incurred, with incapacity to have a licenſe, by alehouſe-keepers knowingly harbouring perſons againſt whom proceſs has iſſued for offences to the prejudice of the revenue, and the ſheriff has returned that they cannot be found, or harbouring perſons who have been in priſon for ſuch offences and eſcaped, or have been convicted and fled, provided ſix days notice has been given that the perſon ſo harboured has abſconded, in two ſucceſſive Gazettes, and by a writing on the church-door where he laſt dwelt.

Special warrants to be granted to ſuch perſons as the ſolicitor of cuſtoms deſires, to apprehend offenders. Sect. 32.

Sheriffs, &c. on requeſt in writing by a known ſolicitor for the cuſtoms or exciſe, are to grant ſpecial warrants to ſuch perſons as ſuch ſolicitor deſires, to apprehend offenders; in default ſuch ſheriff, &c. liable to proceſs of contempt, and penalties as for neglecting to execute the proceſs.

Sheriffs, &c. indemnified from eſcapes until offender committed. Sect. 33.

Sheriffs, mayors, or bailiffs, granting ſpecial warrants for apprehending offenders, indemnified from eſcapes till the offender is committed to gaol, or tendered to the gaoler, who is to give a receipt for him.

Officers may oppoſe force to force, and if they maim or kill may be bailed. Sect. 35.

If any perſon, paſſing with prohibited or uncuſtomed goods, and armed with offenſive weapons, reſiſt any officers of cuſtoms or exciſe, ſuch officers may oppoſe force to force, and if they wound or kill, they may plead the

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general iſſue, and are liable to be bailed by any juſtice. 9 Geo. 2. c. 35.

Nothing in this act is to be conſtrued to extend to any perſon proſecuted by the Eaſt India Company. Sect. 36.

Courts of king's bench or juſticiary in Scotland, not reſtrained from bailing perſons committed for felony by this act. Courts of king's bench, &c. not reſtrained from bailing, &c. Sect. 38.

Three perſons or more aſſembled with fire arms or other offenſive weapons, to aſſiſt in exporting, or carrying for exportation, wool, or goods prohibited to be exported, or in running prohibited or uncuſtomed goods, or goods liable to any duties not then paid, or in relanding goods ſhipped upon debenture, or in reſcuing them after ſeizure, or in reſcuing perſons apprehended for any felony by the laws of cuſtoms or exciſe, or in preventing the apprehending of ſuch perſons, or being ſo aſſiſting, to the number of three, or being diſguiſed when paſſing with ſuch goods, or forcibly reſiſting officers of the cuſtoms or exciſe, or other revenue, in ſeizing ſuch goods, or dangerouſly wounding an officer in going on board, or when on board a ſhip, in the execution of his office, is guilty of felony, without clergy. Three or more perſons aſſembled with arms, obſtructing officers, or aſſiſting in exporting prohibited goods, &c. guilty of felony, without clergy. 19 Geo. 2. c. 34. ſ. 1.

Information on oath of ſuch offender before a judge of the king's bench in England, or juſticiary in Scotland, or juſtice of peace, to be certified to one of the ſecretaries of ſtate, who is to lay it before the council; and the council may order the offender to ſurrender within forty days after the firſt publication thereof in the Gazette, to a judge, &c. who is to commit him to anſwer the offence. The order of the council to be publiſhed in two Gazettes ſucceſſively, and tranſmitted to the ſheriff of Offenders not ſurrendering to be proclaimed, and after being proclaimed, and not ſurrendering, to be attainted of felony, without clergy. Sect. 2.

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19 Geo. 2. c. 34. the county where ſuch offence was committed; who is to proclaim it in the market places of two towns, near where the offence was committed, on two market days, between ten and two o'clock, and affix a copy of it in the ſaid towns, within fourteen days after he receives it. And the offender not ſurrendering, or eſcaping after ſurrender, to be attainted of felony without clergy.

Harbouring offenders. Sect. 3. Perſons harbouring ſuch offender after the time appointed for ſurrender, to be tranſported for ſeven years.

Offenders may be proceeded againſt in the ordinary courſe. Sect 4. Magiſtrates may nevertheleſs proceed againſt offenders in the ordinary courſe; and upon their being taken before the time for ſurrendering is expired, no further proceedings to be had on the order of council.

Sect. 5. No corruption of blood, loſs of dower, or forfeiture of lands, for theſe felonies.

Such offences may be tried in any county.

Officers wounded, &c. to be recompenſed by the hundred. Sect. 6. The hundred to make amends to officers wounded, &c. in ſeizing goods or apprehending offenders, viz. if killed, to pay 100l. to his executors, &c. or if beat or wounded, damages not exceeding 40l. or for the loſs of goods, not above 200l.

How perſons entitled to damages. Sect. 7. No perſon ſhall recover damages by virtue of this act, for ſuch beating, wounding, &c. unleſs he ſhall give notice in four days to two inhabitants of ſome town or village near the place where the fact was committed, and an examination taken on oath before a juſtice within eight days; and if the offender be known, the informer to be bound by recognizance to proſecute.

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Should the offender be convicted within six months, the hundred is discharged from paying the 100l. &c. 19 Geo. 2. c. 34. s. 8.

Action against the hundred to be commenced within a year. Sect. 9.

Five hundred pounds reward to be paid for apprehending such an offender, who has not surrendered, by the commissioners of the customs or excise. Offender not ordered to surrender, discovering others who are ordered to surrender, discharged, and to have a share of the reward. Persons wounded in apprehending offenders to be paid 50l. extraordinary; and the executors of a person killed 100l. Rewards to be paid for apprehending offenders, &c. Sect. 10.

Offender not ordered to surrender, discovering two accomplices, so as they be convicted, to have 50l. and be discharged. Sect. 11.

Court of king's bench or justiciary, or any of the judges thereof, not restrained from bailing persons committed for these felonies, and convicted thereof. Persons convicted of these felonies may be bailed. Sect. 12.

Smugglers before the 24th of June 1746, indemnified if they entered on board the fleet before the 29th September 1746, and served a year. Smugglers, how indemnified. Sect. 13.

But on offending again, deprived of that indemnity. Sect. 14.

Five hundred pounds penalty on an officer of the navy, making a false muster, or certificate, and suffering such persons to avoid actual service. Penalty on false musters. Sect. 15.

On trial of any information by an officer on account of any seizure, if a verdict be found for the claimer, and it appears there was a probable cause of seizure, the judge is to certify it on the record, and the defendant (or claimer) not No costs allowed if probable cause of seizure. Sect. 16.

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19 Geo. 2. c. 34. to have coſts. In actions, &c. againſt officers, &c. for ſeizures, if verdict be found for the plaintiff, and the judge certify that there was probable cauſe of ſeizure, the plaintiff, beſides his goods, is to recover but two-pence damages, and no coſts; or defendant to be fined only one ſhilling.

Smugglers, in what caſes indemnified. 30 Geo. 2. c. 29. Smugglers indemnified from offences committed before the firſt of May 1757, provided before proſecution, and before the firſt of December, they regiſtered their names with the clerk of the peace, and entered and ſerved in the fleet for three years.

Sect. 2. Committing the like offences again, or deſerting, ſubject to proſecutions for the former, as well as the new offence.

Penalty on falſe muſters. Sect. 3. Five hundred pounds penalty on officers of the navy, ſuffering ſuch perſons to avoid actual ſervice, and the indemnity is forfeited.

Sect. 4. Perſons making ſuch entry with the clerk of the peace, or taking the benefit of this act, diſabled from bringing actions againſt the king's officers, &c.

Perſons ſerving in the fleet for three years, not to be proſecuted, &c. Sect. 5. No perſon entering himſelf to ſerve in the fleet for the term of three years in purſuance of this act, ſhall, during ſuch term, (unleſs he ſhall deſert in that time), be liable to be apprehended, or impriſoned, or proſecuted in any manner whatſoever, on account of any of the offences releaſed by this act.

5 Geo. 3. c. 43. § 38. Ships under 50 tons from abroad, hovering on the coaſt, and having 20 pounds of coffee, or goods liable to forfeiture, ſhall be ſeized and confiſcated.

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Ships or veſſels found at anchor, or hovering within four leagues of the coaſts, (unleſs by diſtreſs of weather), having on board foreign ſpirits in any veſſel or caſk which ſhall not contain ſixty gallons at leaſt, or having on board any wine in caſks, (provided ſuch veſſel, having wine on board, ſhall not exceed 60 tons burthen), or ſix pounds weight of tea, or twenty pounds weight of coffee, or any goods whatever liable to forfeiture upon importation, then ſuch goods, with the ſhip and furniture, ſhall be forfeited; ſpirits for the uſe of ſeamen, not exceeding two gallons per man, excepted. 24 Geo. 3. c 47. ſ. 1. Ships hovering within four leagues of the coaſt liable to forfeiture.

On proof that ſuch ſmall quantities were on board, without the privity of the owner or maſter, ſuch veſſel ſhall not be forfeited, if more than 100 tons burthen. Sect 2.

All veſſels of the following deſcription, belonging, in the whole or in part, to Britiſh ſubjects, found within four leagues of the coaſt, together with the goods laden on board, furniture, &c. ſhall be forfeited, viz. cutters, luggers, ſhallops, or wherries, (of what built ſoever), and all veſſels of any other deſcription, whoſe bottoms are clench work (unleſs ſquare-rigged, or fitted as ſloops with ſtanding bowſpirits), and all veſſels the length whereof is greater than in the proportion of three feet and an half to one foot in breadth, and likewiſe all veſſels armed for reſiſtance. What deſcription of veſſels ſhall be forfeited. Sect. 4*.

Veſſels arriving from Ruſſia ſhall not be forfeited on account of their built, or having on board arms or ammunition †. Sect. 6.

* See alſo 24 Geo. 3. c. 47. ſ. 25. and 27 Geo. 3. c. 32. ſ. 1. p. 255. and 257 of this work.

† For what deſcription of veſſels ſhall not be forfeited on account of their built, ſee HOVERING Act, 24 Geo 3. c. 47.

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24 Geo 3 c. 47. Persons maliciously shooting at any boat belonging to his Majesty, to suffer death as felons. Sect. 11.

Any person maliciously shooting at any ship, vessel, or boat, belonging to his Majesty's navy, or in the service of the customs or excise, within the limits of any port of Great Britain, or within four leagues from any part of the coast thereof, or shall shoot at, or dangerously wound, any officer of the navy, customs, or excise, or any of their assistants, acting in the execution of their duty, or within the limits of any port, or within four leagues of any part of the coast of Great Britain, shall suffer death as a felon.

Sect. 12.

Persons charged with any offence made felony by this act, not surrendering after proclamation, to suffer death as felons.

Sect. 13.

Persons harbouring offenders, after the time appointed for surrender, and being prosecuted within a year after, shall be judged guilty of felony, and transported for seven years.

Punishment of persons assaulting custom-house officers. Sect. 15.

Persons opposing, obstructing, or assaulting officers of the navy, customs, or excise, in the execution of their duty, upon conviction before a justice, to be sentenced to hard labour on the River Thames, or to the house of correction, for a term not exceeding three years.

Ships not bringing to may be fired into. Sect. 23.

Suspected vessels not bringing to, when chased by any cutter or other vessel, in the service of his Majesty's navy, having the proper pendant and ensign of his Majesty's ships hoisted, or being in the service of the customs or excise, and having their pendant or ensign hoisted, with such marks thereon as are usual, in a blue field, the commander may shoot into them; and if he be prosecuted in consequence

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thereof, he and his aiders ſhall be admitted to bail. 24 Geo. 3. c. 47.

Wine imported in any veſſel or boat, not exceeding 60 tons burthen, ſhall, together with the veſſel and its furniture, be forfeited. Sect. 27.

Goods found on board, and not reported, ſhall be forfeited. Sect. 28.

Officers of the cuſtoms to have the like power of ſeizing tea and ſpirits, removing without a permit, as officers of the exciſe.

Determination of two juſtices with reſpect to ſmall ſeizures, to be final. Sect. 30.

Officers of the cuſtoms may ſell ſeizures in any place they think proper. Sect. 31.

Any officer of his Majeſty's navy, cuſtoms, or exciſe, making any colluſive ſeizure, or agreeing not to ſeize any ſhip or goods, or taking any bribe, ſhall forfeit 500l. and be rendered incapable of ſerving his Majeſty; and every perſon giving or offering ſuch bribe, ſhall forfeit 500l. Penalty of 500l. upon perſons making colluſive ſeizures. Sect. 32.

Condemned veſſels, that are fit for his Majeſty's ſervice, may, inſtead of being broken up, be ſold to the officers appointed by the Lords of the Admiralty, or Commiſſioners of the Navy, for that purpoſe; one half of the produce of ſuch ſale to be paid into the exchequer for his Majeſty, and the other half to the officer who proſecuted for the ſame. Condemned veſſels may be purchaſed by the admiralty. Sect. 33. 27 Geo. 3. c. 32.

Officers of the cuſtoms making ſeizures of veſſels, boats, &c. which by law ſhall be liable to be broken up after condemnation, ſhall be rewarded in the following manner, viz. to be Rewards to officers making ſeizures. 28 Geo. 3. c. 34. ſ. 1.



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28 Geo. 3 c. 28. paid 10s. per ton for all veſſels and boats as ſhall exceed four tons, legal admeaſurement; and 40s. for every ſuch boat as ſhall not exceed four tons; and likewiſe one moiety of the produce of the materials of ſuch veſſels, after deducting the charges of condemnation.

Sect. 2. If at any time it ſhall appear to the commiſſioners of the cuſtoms, that any veſſel under ſeizure, and which on condemnation may be liable to be broken up, and is of ſuch built and conſtruction, as not to be calculated for ſmuggling, but ſuitable for fair merchandize, ſhe may be ſold after condemnation, inſtead of being broken up, and the produce of the ſale to be diſpoſed of, as the produce of veſſels not liable to be broken up after ſeizure.

Sect. 3. If in purſuance of any act relative to the trade and revenue of the Britiſh colonies and plantations in America, any goods ſhall be ſeized as forfeited, the judge of any court having juriſdiction to try and determine ſuch ſeizures, may order the delivery of ſuch goods or commodities, on ſufficient ſecurity, by bond being given to anſwer double the value of ſuch goods, in the event of condemnation.

Bonds to be given with ſureties, &c. Sect. 4. Previous to the execution of ſuch bond the collector or comptroller of the cuſtoms ſhall make enquiry into the ſufficiency of the ſureties, and ſhall certify the ſame to the judge of ſuch court, who being ſatisfied of the ſufficiency of the ſureties, the bond ſhall be executed, but not otherwiſe; and in caſe the goods and commodities are condemned, the value of the ſame, conformable to the condition of the



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bond, ſhall be paid to ſuch collector, who ſhall, with the conſent of the comptroller, cancel the bond thus granted. 28 Geo. 3. c. 34.

Not to extend to authorize the delivery of any goods whatever, only in caſes of the ſame being periſhable, or where the informer or proſecutor ſhall delay coming to as ſpeedy a trial as the courſe of the court and nature of the circumſtances will permit. Sect. 5.

In caſe any open boat, belonging in whole or in part to Britiſh ſubjects, of the length of 23 feet and upwards, built for rowing or ſailing, the length of which ſhall be greater than in the proportion of three and an half feet to one foot in breadth, to be meaſured by a ſtrait line from the fore part of the ſtern to the aft ſide of the tranſom or ſtern poſt aloft, ſhall be found either upon the water, within any port of Great Britain, or creek, or within four leagues of the coaſt thereof, or in any place upon land in Great Britain, ſuch open boat ſhall be forfeited, and may be ſeized by any officer of the cuſtoms or exciſe; and any ſuch boat being of the length of 18 feet, and under the length of 24 feet, and the depth of which ſhall be greater than in the proportion of one inch and a quarter to every foot in length, (ſuch depth to be taken from the upper part of the plank next the keel, to the top of the upper ſtrake, whether ſuch upper ſtrake ſhall be fixed to the boat, or uſed as looſe or ſhifting waſh ſtrakes,) ſuch boat ſhall be forfeited, and may be ſeized, &c. Open boats of certain deſcriptions to be forfeited. Sect. 6.

Every open boat of 24 feet and upwards, the depth of which ſhall be greater than in the proportion of one inch to one foot in length (ſuch Sect. 7.



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28 Geo. 3. c. 34. depth to be taken as hereinbefore mentioned), may be ſeized by any officer of the cuſtoms or exciſe.

Not to extend to boats employed in the navy, ordnance, victualling, &c. &c. nor boats licenſed by the Admiralty, &c. Sect. 8.

Not to extend to forfeit boats employed in the navy, ordnance, victualling, cuſtoms, exciſe, or poſt office, or which is uſed on any canal or inland navigation, nor to any boat whatever, the owner of which has a licenſe from the Admiralty, if ſuch licenſe be actually on board ſuch boat at the time of her being examined; nor boats which ſhall be conſtructed with timbers and planks, not leſs than the following ſcantlings, viz. an open boat from 20 to 25 feet in length, having plank 3-fourths of an inch thick, and timbers 1-fourth inch ſquare; from 25 to 30 feet, plank one and 1-eighth inch thick, and timbers two inches ſquare; from 30 to 35 feet, plank one and 3-fourths inch thick, timbers three inches ſquare; from 35 to 40 feet, plank two inches thick, and timbers four inches ſquare; from 40 to 45 feet, plank two inches thick, and timbers five inches ſquare; from 50 feet and upwards in length, having plank three inches thick, and timbers ſix inches ſquare.

Penalty on maſters of ſhips refuſing to deliver up certificates of regiſtry. Sect. 9.

On complaint being made on oath by the owners of any ſhip, the maſter whereof refuſing to deliver up the certificate of her regiſtry to any juſtice of peace reſiding near the place where the refuſal was made, either in Great Britain, Guernſey, &c. or the plantations, ſuch juſtice to cauſe the maſter to be brought before him to be examined, and ſhould it appear that the ſame is not loſt or miſlaid, but is wilfully detained by the maſter, he ſhall pay 100l. and in default within two days after conviction, ſhall be committed to the common jail,

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there to remain without bail or mainprize for such time as the judge ſhall think proper, not being leſs than ſix nor more than twelve months. 28 Geo 3. c 44

The juſtice may iſſue a warrant to ſearch for ſuch certificate, and on being found, to be delivered to the owners; but if not found, the juſtice ſhall certify the aforeſaid detainer, refuſal, and conviction, to the perſons who granted the laſt certificate of regiſtry of ſuch ſhip, who ſhall, on the terms and conditions of the regiſtry act being complied with, make regiſtry of the ſhip *de novo*, and grant a certificate thereof agreeably to the form preſcribed. Juſtices may iſſue warrants to ſearch for certificate, &c. Sect. 10.

Any open boat, built for rowing or ſailing, or for rowing and ſailing with the cutter or lugger, to which it ſhall belong, belonging in the whole or in part, to any of his Majeſty's ſubjects, and being of the length of 14 feet, and under 18 feet, (meaſured from the fore part of the ſtern to the aft ſide of the ſternport aloft), and the depth of which ſhall be greater than in the proportion of one inch and a quarter to every foot in length, ſuch depth to be taken from the upper part of the plank next the keel to the top of the upper ſtrake, whether ſuch upper ſtrake be fixed or ſhifting; unleſs ſuch boat ſhall have plank of three quarters of an inch thick, and her timbers one inch and an half ſquare, and not more than nine inches diſtance from timber to timber, together with the cutter or lugger, &c. to which it ſhall belong, if found either upon the water, within any port of Great Britain, or member, or creek thereof, or within four leagues of the coaſt, or within any of the ſuppoſed ſtrait lines mention- Other deſcriptions of boats liable to forfeiture. 34 Geo. 3. c. 50. ſ. 8.



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34 Geo. 3. c. 50. ed in 34th Geo. 3. c. 50. ſ. 8. * in any place upon land.

Whale boats, &c. exempted. Sect. 10.

Any whale-boat, belonging to ſhips employed in the fiſheries of Greenland ſeas, Davis's Straits, or in any fiſhery to the ſouthward thereof, if ſuch whale-boat be either employed in no other way than in thoſe fiſheries, or be laid up out of uſe, according to the laws of thoſe fiſheries.

* See CUSTOM, HOVERING, MANIFEST, &c.

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## Stranded Ships and Salvage.

THE following ſtatutes not only compel magiſtrates, officers of corporations, commanders of merchantmen, and men of war, to aſſiſt ſhips in diſtreſs, but they alſo wiſely hold out a reward under the denomination of Salvage, to be aſſeſſed by the Juſtices, and paid within a limited time; otherwiſe the ſhips and goods ſo reſcued and preſerved are to remain in the hands of the officer of the cuſtoms as a ſecurity, and eventually to be ſold to pay the expences aſſeſſed for ſalvage.

Officers of corporations, commanders of merchantmen, and men of war, to aſſiſt ſhips in diſtreſs. 12 Ann. ſt. 2. c. 18.

Sheriffs, mayors, juſtices of peace, bailiffs, and other head officers of corporations, and all conſtables, and officers of the cuſtoms in every county and port town adjoining to the ſea, upon application made to any of them by or on the part of any captain or commander of a ſhip in danger of being ſtranded, or that has been ſtranded, ſhall ſummon and call together as many perſons as ſhall be thought neceſſary to the aſſiſtance of ſuch ſhip or veſſel and their cargoes; and ſhould there be any ſhip, either man of war or merchantman, riding at anchor near the place where ſuch ſhip is ſtranded or in diſtreſs, the officers of the cuſtoms and conſtables are to demand aſſiſtance from the ſuperior officer of ſuch ſhip or veſſel, by requeſting their boats and ſuch hands as they can conveniently ſpare for the ſaid ſervice; and in caſe ſuch ſuperior officer ſhall refuſe or neglect to give the aſſiſtance demanded, he ſhall forfeit 100l. to be recovered by the owner or maſter of the ſhip in diſtreſs, together with coſts of ſuit.



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Salvage to be adjuſted by the juſtices. 12 Ann. ſt. 2. c. 18. 26 Geo. 2. c. 19 ſ. 5.

Reaſonable ſalvage, to be adjuſted by three juſtices, and to be paid in thirty days; in default thereof, the ſhip or goods to remain in the hands of the officer of the cuſtoms as a ſecurity.

If no claimant appear, goods to be put in poſſeſſion of the chief officer of the cuſtoms. 12 Ann. ſt. 2. c. 18. ſ. 2.

If no claimant appear, the chief officer of the cuſtoms at the neareſt port to be put in poſſeſſion by three of the neareſt juſtices of the peace; and if the goods are not claimed in twelve months, to be ſold publicly, and the money remitted to the Exchequer, for the uſe of the owner. Periſhable goods to be ſold immediately.

Perſons entering a ſhip without leave, defacing the marks, &c. to make double ſatisfaction. Sect. 3.

Perſons entering a ſhip or goods, or defacing the marks on ſuch goods, are to make double ſatisfaction within twenty days, at the diſcretion of the two next juſtices, or in default to be committed to hard labour for twelve months. The commander or officers, or cuſtom houſe officers, may repel by force perſons preſſing without leave on board a ſhip in diſtreſs.

Sect. 4.

Goods carried off to be delivered on demand, on forfeiture of treble the value.

Making holes in ſhips' bottoms, ſtealing pumps, &c. felony without clergy. Sect. 5. Sect. 9.

Making holes in the bottom or ſides of a ſhip in diſtreſs, or ſtealing her pump, or aiding therein, or doing any thing tending to her immediate loſs, is felony without clergy.

The Crown, or its patentee, or lords of manors, lawfully claiming wrecks, &c. not prejudiced.

Salvage, how to be determined in the cinque ports. 3 Geo. 1. c. 13. ſ. 6.

The lord warden of the cinque ports for the time being ſhall appoint, by an inſtrument under his hand and ſeal, three or more ſubſtantial perſons in each of the cinque ports, two ancient towns, and their members, to ad-

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juſt and determine any difference relating to ſalvage, if any ſuch ſhall ariſe, between the maſter of any veſſel and perſons bringing a cable and anchor on ſhore, which perſons the lord warden is empowered from time to time to appoint; and in caſe any ſhip or veſſel ſhall be forced from her cables and anchors by extremity of weather, and thereby leave the ſame in any roads within the juriſdiction of the cinque ports, and the ſalvage cannot be adjuſted between the perſons concerned, that then the ſame ſhall be determined within the ſpace of twelve hours by any one or more of the perſons appointed as aforeſaid. 3 Geo. 1. c. 13.

The act 12 Ann. ſt. 2. c. 18. not to affect the juriſdiction of the cinque ports, but to be executed by the officers of the admiralty court there. 4 Geo. 1. c. 12. ſ. 2.

When any ſhip or goods are ſtranded, the neareſt juſtice to give notice for an immediate meeting of the ſheriff or his deputy, juſtices, mayors, coroners, commiſſioners of the land tax or five of them, to give aid in ſaving the ſhip and goods, and adjuſt the ſalvage: and each of them are allowed 4s. a day for his expences in ſuch attendance out of the goods ſaved by their care and direction. How to proceed in caſes of ſhips ſtranded, and adjuſtment of ſalvage. 26 Geo. 2. c. 19. Sect. 6.

The charges and rewards for ſalvage not being fully paid, or ſufficient ſecurity given for the ſame, within forty days next after the ſaid ſervice performed, in ſuch caſe it ſhall be lawful for the officer of the cuſtoms concerned in ſuch ſalvage to raiſe ſo much money as ſhall be ſufficient to ſatisfy the charges by one or more bills of ſale, under his hand and ſeal, of the ſhip or cargo ſaved, or ſuch part thereof as ſhall be ſufficient, redeemable nevertheleſs upon Officer of the cuſtoms may order part of the ſhip or cargo ſaved to pay the expences of ſalvage. Sect. 7.



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26 Geo. 2 c. 19. payment of the principle ſum borrowed, and intereſt for the ſame at the rate of 4l. per cent. per annum.

Perſons plundering ſhips ſtranded to be proſecuted at expence of the county. Sect. 8.

Where oath is made of plunder and theft before any magiſtrate, or breaking a ſhip contrary to 12 Ann. ſt. 2. c. 18. and the examination thereupon taken in writing ſhall be delivered to the clerk of the peace of the county, riding, and diviſion, or his deputy, where ſuch fact ſhall have been committed, then ſuch clerk of the peace to proſecute the offenders, and the charges to be paid by the county, &c.; and if he ſhall neglect or refuſe to carry on ſuch proſecution in due manner, he ſhall forfeit 100l. for every ſuch offence.

By whom this act is to be enforced Sect. 9.

The Commiſſioners of the Land Tax, the deputy ſheriff, the coroner, and the officers of exciſe, in each county, riding, and diviſion, ſhall be proper officers for putting this act in execution, and the 12th Ann. ſt. 2. c. 18. with thoſe therein reſpectively named for that purpoſe.

How this act to be enforced in the cinque ports. Sect. 10.

The lord warden of the cinque ports for the time being, the lieutenant of Dover Caſtle, and the deputy warden of the cinque ports, two ancient towns, and members thereof, and other perſons to be appointed by the lord warden of the cinque ports, ſhall be the perſons to put in execution within the juriſdiction of the cinque ports all the powers and authorities granted by this act and 12 Ann. ſt. 2. c. 18. and 4 Geo. 1. c. 12. in like manner as any juſtice of peace, or other perſons, are by this and the ſaid acts appointed to do in any other part of the kingdom.

Sect. 11. Perſons aſſaulting any officer in the ſalvage of ſhips or goods to be tranſported for ſeven years.

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Any one or more of his majeſty's juſtices of peace, in caſe of need, and in the abſence of the high ſheriff, to take ſufficient power of the county, to repreſs all unjuſt violence, and duly to enforce the execution of this act.

Juſtices to raiſe the power of the county to repreſs violence. 26 Geo. 2. c. 19. ſ. 12.

Officer of the cuſtoms to cauſe perſons belonging to the ſhip to be examined before a juſtice, concerning the deſcription of the ſhip and goods, and maſter and owner's name, with the port to or from which ſhe was bound, and the occaſion of the diſtreſs; the examination to be ſent to the ſecretary of the Admiralty, and publiſhed in the Gazette *.

Perſons belonging to the ſhips to be examined by the officers of the cuſtoms. Sect. 15.

*(For further Particulars ſee* WRECKS.)

* This act not to extend to Scotland. 26 Geo. 2. c. 19.

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## Safe Conducts or Passports.

AS this is one of the heads in the statutes relating to the Admiralty, the following short abstract is here given.

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Conservators to be appointed in every sea-port. 2 Hen. 5. st. 1. c. 6.

Breaking of a truce and safe conducts shall be high treason *; and in every sea-port shall be made by the king's letters patent a conservator of the truce and the king's safe conducts, which shall have 40l. lands by the year at least, who shall have power and authority (and also by a commission from the Admiral of England) to enquire of all such treasons to be done against the truce and safe conducts upon the main sea, out of the body of the counties, and out of the franchises of the five ports of the king, as the admirals of the kings of England after the old custom used to do; and the conservator shall have the same power to punish such as shall be accused before him.

Conservator's commission and jurisdiction. Sect. 2.

The determination of the death and execution of a man excepted out of the conservator's authority, and reserved to the admiral; two men learned in the law shall be associated in the conservator's commission, who shall have a seal; the master and owner of a ship to be sworn not to attempt to do any thing against the truce and the king's safe conducts; the conservator to inroll the name of the master, owner, and ship, with the number of mariners belonging to her, and if they take any thing of the enemy, to

* The making the offence high treason is repealed by 1 Ed. 6. c. 12. and 1 M. st. 1. c. 1.

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bring it to the port, and inform the conſervator thereof, before they make diſcharge or ſale; and any owner or maſter of a ſhip, going out of any port of England, or diſcharge his ſhip againſt the form of this ordinance, that ſuch ſhip, together with the prize taken, ſhall be forfeited, and the owner or maſter committed to priſon till he hath made a fine and ranſom to the king. 2 Hen. 5. ſt. 2. c. 6.

The admiral ſhall have the forfeitures out of the cinque ports, and the warden of the cinque ports to have the forfeitures there; conſervators to be appointed there with like powers. Forfeitures, how appropriated. Sect. 3.

Copies of ſafe conducts called *Vidimus* diſallowed; the clauſe *Vidimus* ſhall not be put in a ſafe conduct, unleſs upon ſome ſpecial cauſe. Clauſe *vidimus* not to be allowed. 15 Hen. 6. c. 3.

In ſafe conducts the names of the perſons, of the ſhips, maſters, and mariners, and portage of the ſhips to be expreſſed *. 15 Hen. 6. c. 3.

Merchants, aliens of the king's amity, may load goods in ſhips of the king's enemies, having letters of ſafe conduct; and not having ſafe conducts, or ſuch ſafe conducts not being inrolled, the goods are liable to capture. Merchants, aliens, having letters of ſafe conduct, may load goods, &c. 18 Hen. 6. c. 8. 14 Ed. 4. c. 4.

All letters of ſafe conduct to be inrolled in chancery, otherwiſe to be void. 20 Hen. 6. c. 1. 13 Hen. 6. c. 8.

Prizes taken at ſea from the enemy, not having letters of ſafe conduct inrolled, ſhall belong to the captors. 20 Hen. 6. c. 1. ſ. 3.

Captors of ſhips not ſhewing letters of ſafe conduct, indemnified upon making reſtitution, on proof that ſafe conducts were inrolled in chancery. Sect. 4. Confirmed by 14 Ed. 4. c. 6.

* 18 Hen. 6. c. 8. 20 Hen. 6. c. 1. confirmed by 14 Ed. 4. c. 4.

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28 Hen. 6. c. 4. The Chancellor of England, with any of the juſtices of either the King's Bench or Common Pleas, to redreſs ſtrangers in amity, or, having ſafe conducts, who are robbed at ſea, and may cauſe full reſtitution and amends to be made to the party injured.

34 Ed. 4. c. 4. Statutes againſt the breakers of truces and ſafe conducts confirmed.

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# South Sea Company.

THE following is an abſtract of acts of parliament relating to the South Sea Company, as contained in the ſtatutes relative to the Admiralty.

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South Sea Company veſted with the ſole trade to *America*, on the *eaſt ſide* from the *river Aranoca* to the *ſouthernmoſt part of Terra del Fuego*, and on the *weſt ſide* from *Terra del Fuego*, through the *South Seas*, *to the northernmoſt part of America*, and to all countries, iſlands, and places within the ſaid limits which are reputed to belong to *Spain*, or which ſhall hereafter be diſcovered within the ſaid limits, not exceeding *three hundred leagues* from the *continent of America*, between *the ſouthernmoſt part of Terra del Fuego* and the *northernmoſt part of America*, on the *weſt ſide* thereof, except the *kingdom of Brazil*, and ſuch other places as are in poſſeſſion of the Portugueze, and of Surinam in poſſeſſion of the States-General. It not being intended that the ſole trade to any part of the eaſt ſide of America in the poſſeſſion of Portugal or the States-General ſhall be granted by this act; but it may be lawful for any Britiſh ſubjects to trade to the ſaid poſſeſſions (but to no other part within the limits aforeſaid), as freely in all reſpects as if this act had not been made.

Extent of the trade of the South Sea Company. 9 Ann. c. 21. ſ. 46.

The Company may have to their own uſe all ſhips taken as prizes within the ſaid limits, by their own ſhips, or by king's ſhips appointed convoys or otherwiſe for the defence of the ſaid trade, without any account being rendered to his Majeſty or any other perſon whatſoever; ſave only that the officers and ſeamen taking

South Sea Company to have all prizes taken by their own ſhips within certain limits. Sect. 51.

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9 Ann. c. 21. taking ſuch prize, or aſſiſting in the taking, ſhall be entitled to ſuch ſhare thereof as his Majeſty ſhall think fit and direct by the charter of incorporation granted to the company, and no other ſhare whatſoever. And it ſhall be lawful for the ſaid company, and the agents, factors, ſervants, and others employed by them, to ſeize, by force of arms or otherwiſe, the perſons, ſhips, goods, merchandize, belonging to any Britiſh ſubjects frequenting and trading in the South Seas, or other parts or limits aforeſaid (except the places before excepted), and to keep and detain ſuch ſhips, goods, &c. ſo ſeized without any account to be rendered thereof as aforeſaid, and to ſend the perſons of ſuch Britiſh ſubjects ſo taken to Great Britain, in order to their being proſecuted for ſuch offence.

Commanders of ſhips of war not conforming to the inſtructions of the company to forfeit double the value of the injury ſuſtained. Sect. 52.

Commanders of king's ſhips, or other officers employed in ſecuring and promoting the ſaid trade, not conforming themſelves to ſuch directions and inſtructions as they ſhall receive from the ſaid company in writing, during their being ſo employed, every ſuch commander and officer ſhall be rendered incapable of ſerving his Majeſty, and ſhall be liable to pay the company double the value of the loſs or damage ſuſtained by the breach of orders, &c. to be recovered, with full coſts of ſuit, in any court of record.

No ſhips belonging to the company to be detained by embargo, unleſs ſpecifically mentioned in ſuch embargo. Sect. 54.

No ſhips which ſhall belong to, or are freighted by the company, or ſuch perſon as ſhall be licenſed by them to trade within the limits aforeſaid, ſhall be liable to be detained by any embargo or other reſtraint whatſoever, unleſs ſuch ſhips be particularly named in ſuch embargo or order for reſtraint.

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## Seducing Artificers, and Exportation of Tools.

THE extenſive demand for every article of Britiſh manufacture ſufficiently demonſtrates our commercial ſuperiority over every other nation; our manufactures, therefore, and the ſkill of our artiſts, is a ſpecies of national wealth more valuable than the mines of Peru or Potoſi.—To export machines, or to ſeduce artificers, may be conſidered as a national robbery of the worſt ſpecies. In a commercial country, therefore, the Legiſlature conſiders this treaſure with an eye laudably jealous; and the following penalties, heavy indeed, but light when compared with the national injury which the offence may occaſion, are inflicted upon thoſe perſons who are found guilty of exporting tools, or ſeducing artificers.

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If any perſon ſhall contract with, entice, perſuade, or endeavour to ſeduce or encourage any artificer or workman concerned or employed in printing callicoes, cottons, muſlins, or linens of any ſort, or in making or preparing any blocks, plates, engines, tools, or utenſils for ſuch manufactory, to go out of Great Britain to any parts beyond the ſeas, he ſhall forfeit 500l. and be committed to the common gaol for the county for twelve months, and until ſuch forfeiture ſhall be paid. 22 Geo. 3. c. 60. ſ. 1, 2.

If any perſon ſhall put, or endeavour to put on board any ſhip, &c. or other veſſel, not bound directly to ſome port in Great Britain, any ſuch blocks, plates, engines, tools, or utenſils, or part or parts thereof, excluſive of all ſuch tools as may be ſeized by the revenue officers, he ſhall forfeit 500l. Sect. 3, 4, 7.

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22 Geo. 3. c. 60. ſ. 5, 7. If the captain or other officer of any veſſel in Great Britain or Ireland ſhall willingly or knowingly permit or ſuffer any ſuch blocks, &c. to be put on board his veſſel, or ſhall connive at the ſame being done, he ſhall forfeit 100l for every ſuch offence.

Sect. 5, 7. And if the ſhip or veſſel belong to his Majeſty, the captain or other officer ſo permitting, ſuffering, or conniving, ſhall forfeit 100l. and be incapable of holding any office or commiſſion under his Majeſty.

Sect. 6, 7. And if any officer of his Majeſty's cuſtoms ſhall take, or knowingly and willingly permit or allow, or ſuffer to be taken any entry on board, or ſign any cocket or ſufferance for the ſhipping or exporting of any of the ſaid blocks, &c. or knowingly ſuffer the ſame to be done, he ſhall forfeit 100l. and be for ever rendered incapable of holding any place or employment under his Majeſty.

25 Geo 3. c. 67. ſ. 1. 8. continued by 28 Geo. 3. c. 29. ſ 7. and 30 Geo. 3. c. 18. If any perſon in Great Britain ſhall upon any pretence whatſoever export, load, or put on board, or pack, or cauſe or procure to be loaden on board of any ſhip or veſſel which ſhall be bound to ſome place or port beyond the ſeas (except to Ireland), or ſhall lade or cauſe to be brought to any quay, wharf, or other place in order to be ſo laden or, &c. (except to Ireland) any tool or utenſil, that is to ſay, hand-ſtamps, dog-head ſtamps, pulley-ſtamps, ſtamps of all ſorts, hammers and anvils for ſtamps, ſcrews for ſtamps, iron rods for ſtamps, preſſes of all ſorts in iron, ſteel, or other metal, which are uſed for giving impreſſions to metal, or any part or parts of theſe ſeveral articles; preſſes of all ſorts, called cutting-out preſſes; beds and benches to be uſed



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therewith; piercing preſſes of all ſorts; beds and punches to be uſed therewith, either in parts or pieces, or fitted together; iron or ſteel dies to be uſed in ſtamps or preſſes, either with or without impreſſions; rollers of caſt iron, wrought iron, or ſteel, for rolling of metal, and frames for the ſame; flaſks or caſting moulds, or boards uſed therewith; lathes for turning, burniſhing, or poliſhing, either the whole together or ſeparate parts thereof; lathe-ſtrings; poliſhing bruſhes; ſcoring or ſhading engines; preſſes or dies for horn buttons; ſheers for cutting of metal; rolled ſteel; rolled metal with ſilver thereon; buttons, or parts unfiniſhed; engines for chaſing ſtocks, for caſting buckles, buttons, and rings; caſt-iron anvils and hammers for forging; mills for iron and copper rolls; ſlitters, bed-ſpillars, and frames for ſlitting-mills; die-ſinking tools of all ſorts; drilling-engines; tools for pinching of glaſs; engines for making button ſhanks; laps of all ſorts; engines for covering of whips; poliſhing bruſhes; bars of metal, covered with gold or ſilver; iron or ſteel ſcrew-plates; pins and ſtocks for making ſcrews, or any other tool or utenſil which now or hereafter ſhall or may be uſed in working, preparing, finiſhing, or completing the iron or ſteel manufactures of this kingdom, by what name or names ſoever they are known or called, or any model or plans of ſuch tools, implements, &c. or any part or parts thereof, and complaint be made thereof upon oath before any juſtice, he may iſſue his warrant to bring the perſon or perſons whoſe property they are before him, and examine him as to the purpoſes the ſaid tools are for, and if he ſhall not give an account thereof to the ſatisfaction of the ſaid juſtice or juſtices, then



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the ſaid juſtice may, if the circumſtances appear ſufficient for ſo doing, bind the party to appear at the quarter ſeſſions of the peace for the county, city, riding, &c. where the offence ſhall be committed, with proper ſureties; but if ſuch perſon ſhall neglect or refuſe to give ſuch ſecurity, the ſaid juſtice may commit the party to the common gaol, or houſe of correction, until the next aſſizes, or next quarter ſeſſions of the county or, &c. when in caſe of conviction upon indictment or information he ſhall *forfeit for every ſuch offence (excluſive of all ſuch tools or utenſils, or parts thereof, together with the packages and all other goods packed therewith)* 200*l.* *and alſo ſuffer impriſonment in the common gaol, priſon, or houſe of correction for twelve months, without bail or mainprize, and until ſuch forfeiture ſhall be paid*; *one half of the penalty for the ſame to the king, and half to the officer who ſhall ſue, after deducting the charges of proſecution from the whole.*

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# Swearing.

IF the following ſtatute were more ſtrictly enforced, the vice which it is intended to correct would probably be leſs practiſed.

Any perſon or perſons, profanely ſwearing or curſing in the preſence or hearing of any juſtice of the peace, mayor, bailiff, or other chief magiſtrate, of any town corporate, every ſuch juſtice, mayor, &c. are hereby authoriſed and required to convict every ſuch offender, (agreeable to the mode of conviction,) without any other proof whatſoever. 19 Geo. 2. c. 21. ſ. 1. 5.

Every juſtice of the peace, mayor, or chief magiſtrate, ſhall immediately, upon information given on oath of any conſtable, petty conſtable, or other peace officer, cauſe the offender or offenders to appear; and in caſe of ſuch information being proved, ſuch offender ſhall immediately pay down the ſum ſo forfeited, or give ſecurity to the ſatisfaction of ſuch juſtice, mayor, or other chief magiſtrate: but if the penalty is not paid, or ſecurity given, it is lawful for ſuch juſtice or mayor, to commit the offender to the houſe of correction, and be kept to hard labour for the ſpace of ten days.

Any common ſoldier belonging to any regiment in his Majeſty's ſervice, or any common ſailor belonging to any ſhip or veſſel, who ſhall be convicted of profane curſing or ſwearing as

Puniſhment upon conviction for ſwearing.



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19 Geo. 3 c. 21. s. 3. aforeſaid, or not immediately pay down the money forfeited, or give ſecurity for the ſame as aforeſaid; and alſo the coſt of information, ſummons, and conviction, as in and by this act directed; every ſuch common ſoldier, common ſailor, or ſeaman, inſtead of being ſent to the houſe of correction, ſhall, by the ſaid juſtice, mayor, &c. be ordered to be publicly ſet in the ſtocks for the ſpace of one hour for every ſingle offence; and for any number of offences, whereof he ſhall be convicted at one and the ſame time, two hours.

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## Tranſport Service.

THE immenſe military operations which the preſent war has rendered neceſſary, being upon a larger ſcale than ever before known in this country, have originated the eſtabliſhment of a tranſport board, for the purpoſe of tranſporting troops and ſtores for the ſervice of Government; and by this, all that buſineſs formerly tranſacted by the commiſſioners is ſuperintended and conducted.

The province of this board is to negotiate all contracts with the ſhip-owners—to cauſe ſurveys to be made of the veſſels—finally to adjuſt the accounts and pay the balance.

With reſpect to the terms of this contract—theſe muſt vary according to the particular ſervice for which the merchant veſſels may be deſtined.

The maſters of the veſſels thus hired, are furniſhed by the board with the neceſſary directions for their guidance, together with blank forms for keeping their accounts of hammocks and proviſions, &c. &c. ſupplied for the troops; and where the ſervice is of a particular nature,—the maſters of the veſſels, upon reſorting to the agent for the Tranſport Board, are furniſhed with ample and preciſe inſtructions for their government.

The general form of a charter-party of affreightment for ſtores and troops for the ſervice of government, varies but little from charter-parties entered into by ſhip owners.



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## Wandering Mariners or Soldiers.

39 Eliz. c. 17. WANDERING mariners, ſoldiers, and others ſhall ſettle to work, or repair to the place of their birth or dwelling, and take to ſome trade, on pain of ſuffering for felony without benefit of clergy.

Wandering mariners, not having a teſtimonial, &c. guilty of felony. Sect. 3. Wandering mariners or ſoldiers, coming from ſea or abroad, not having a teſtimonial under the hand of ſome juſtice of peace, of or near the place where they landed, ſpecifying the name of ſuch place, and place of their dwelling or birth, and limiting a convenient time for their paſſage; or any mariner or ſoldier having ſuch teſtimonial, who ſhall wilfully exceed the time limited above fourteen days, or forge or counterfeit any ſuch teſtimonial, is declared guilty of felony without clergy.

Sect. 4. Juſtices of the aſſizes, gaol delivery, and juſtices of peace, may hear and determine theſe offences, and inflict ſuch puniſhment on the offenders as in caſes of felony is accuſtomed, except ſome honeſt perſon, valued at the laſt ſubſidy to 10l. in goods, or 40s. in land, or freeholder as by juſtices ſhall be allowed, will be contented to take ſuch offender into his ſervice for one whole year, and be bound by recognizance of 10l. to be levied of his lands, goods, &c. if he keep not the ſaid perſon for one whole year, and bring him to the next ſeſſions of peace: and any ſuch perſon retained, departing within the year, without licenſe from his maſter, ſhall be adjudged guilty of felony without clergy.



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Wandering perſons falling ſick by the way, and unable to get to their journey's end, through weakneſs, within the time limited in their teſtimonials, are not within danger of this ſtatute, ſo as they continue their journey home in a convenient time after recovery, and there remain as aforeſaid. 39 Eliz. c. 17. ſ. 5.

Soldiers or mariners repairing to the place of their dwelling or birth, and not being able to get any employ there, are to apply to two juſtices of peace of the county of or near the ſaid place, who are to ſet them to ſome honeſt labour or work, as they ſhall think proper, and for want of ſuch work, the ſaid juſtices ſhall tax the whole hundred at their diſcretion, for the relief of ſuch ſoldier or mariner, till ſufficient work may be had. Sect. 6.

Soldiers or mariners, licenſed by a juſtice to paſs in the direct way, may aſk relief of any well diſpoſed perſons. Sect. 7.

Soldiers or mariners travelling with a paſs, not deemed vagrants, while they continue in the direct way, and during the limited time. 17 Geo. 2. c 5. ſ. 3.



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## Watermen on the Thames.

2 and 3 P. & M. c. 16. f. 3. EIGHT rulers of the watermen on the Thames to be appointed yearly, by the mayor and aldermen of London.

4 Ann. c. 19. f. 18. Watermen ſummoned by the rulers of their company, to ſerve on board the fleet, and not appearing, to be impriſoned for one month, and diſabled from working on the Thames for two years.

6 Ann. c. 3. f. 2. Watermen belonging to the inſurance companies, free from preſſing, not exceeding thirty for each office, and their names being regiſtered in the admiralty office.

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# Wool.

THAT provident and laudable commercial jealouſy of foreigners with reſpect to her commerce, by which this country has ſecured to herſelf thoſe materials which render her manufactures ſo valuable, becauſe they can be furniſhed from no other quarter, is in theſe ſtatutes ſingularly conſpicuous. Wool was originally the ſtaple commodity of the kingdom; for her cattle, particularly ſheep, Great Britain has long been diſtinguiſhed, and to this ſource of wealth, when meliorated by the induſtry and ſkill of the manufacturer, ſhe owes much of that commercial importance which ſhe has now attained.

The act of Elizabeth is ſingular, by inflicting a moſt terrible puniſhment on thoſe who ſhould export live ſheep.

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## Wool, *and the Penalties incurred on Exportation of the ſame.*

The exporting of live ſheep, or embarking them on board of any ſhip, for the firſt offence is forfeiture of goods and impriſonment for a a year, and that at the end of the year the left hand ſhall be cut off in ſome public market, and ſhall be there nailed up; and for the ſecond offence it is declared felony. Penalty on exporting live ſheep. 8 Eliz. c. 3.

No perſon ſhall export any ſheep or wool, wool-fells, mortlings, ſhorlins, yarn, wool-flocks, fuller's earth, or fulling clay, nor carry or load on board a ſhip any ſheep, wool, &c. &c. to be ſo exported. 12 Car. 2. c. 32.

Sheep or wool, &c. &c. ſo exported, or laden to be exported, are forfeited, and the Sect. 2.



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12 Car. 2. c. 32. offenders to pay 20s. for every ſheep, and 3s. for each pound of wool, wool-fells, mortlings, &c. and the owners of the ſhip, knowing ſuch offence, ſhall forfeit all their intereſt in the ſaid ſhip, with all her apparel and furniture; and the maſter and mariners knowing ſuch offence, and willingly aſſiſting therein, ſhall forfeit all their goods and chattels, and be impriſoned for three months without bail or mainprize; one moiety of the ſaid penalties ſhall be to the king, and the other to him that will ſue for the ſame.

Sect. 4. Merchants exporting wool, &c. diſabled to recover any debt or account from their factors and others.

Sect. 5. Offences committed contrary to this act, to be tried and determined in the county where ſuch ſheep, wool, &c. ſhall be loaden or elſe in the county where the offenders ſhall be apprehended.

Sect. 6 Within 3 years, 9 & 10 Wm. 3. c. 40. ſ. 9. No perſons ſhall be impeached at any time hereafter for any offence aforeſaid, unleſs they ſhall be proſecuted within the ſpace of one year after ſuch offence committed.

12 Car. 2. c. 32. ſ. 7. & 8. Any perſon may ſeize and have a moiety of the goods, but ſhall not give evidence.

Sect. 9. Ships of Aliens, or ſubjects not inhabiting within the realm, on board of which ſuch ſheep, wool, &c. ſhall be found, to be forfeited to the king.

Sect. 10, 11. Lamb-ſkins ready dreſſed, flock-bedding for the ſhips, and wether ſheep for their food excepted.

Wool may be exported from Southampton to Guernſey, Jerſey, &c. on producing certificate to the governor. Sect. 12. Wool may be exported from Southampton to the iſles of Guernſey, Jerſey, Alderney, and Sark, ſo as the ſhippers of ſuch wool deliver to the cuſtomer, comptroller, ſurveyor, or ſearcher of Southampton, a writing under the ſeal of the

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governors of ſuch iſles, ſpecifying that the party named is authoriſed and appointed to export ſo much wool, expreſſing the number of tods, out of the ſaid port, to the iſles, to be uſed and manufactured in one of them, and that the party ſo authoriſed, hath, before ſealing and making ſuch writing, entered into ſufficient bond to his Majeſty for landing the wool in the ſaid iſles. The annual quantity allowed to be exported out of Southampton, not to exceed the quantity hereunder ſpecified, that is to ſay, 12 Car. 2. c. 32.

| | | |
|---|---|---|
| To Jerſey | 2000 | Tods of uncombed wool. |
| Guernſey | 1000 | |
| Alderney | 200 | |
| Sark | 100 | |

Every tod not exceeding 32 pounds.

Double the quantity allowed to be exported from Southampton to Guernſey, Jerſey, Alderney, and Sark, and further penalty of 20l. for every tod of wool, and forfeiture of wool itſelf, if the ſaid wool is tranſported, or attempted to be tranſported, from the ſaid iſlands, and the offenders rendered incapable of having any grant for wool from the ſaid port of Southampton. Double the quantity may be exported; and further penalties. 1 W. & M. c. 32. ſ. 14.

All cocquets for exporting wool, to be wrote on paper, and not parchment, and ſigned by at leaſt three officers of the port. 1 W. & M. c. 32. ſ. 4. extended to wool fells, &c. 5 Geo. 1. c. 11. ſ. 14. Cocquets to be wrote on paper, and ſigned, &c. 1 W. & M. c. 32. ſ. 4.

No wool to be ſhipped from any other ports in Ireland than the following, viz. *Dublin*, *Wateiford*, *Youghall*, *Kinſale*, *Cork*, and *Drogheda*, nor imported from thence into any ports but the following, viz. *Liverpool*, *Cheſter*, Ports in England and Ireland for importing and exporting wool. 1 W. & M. c. 32. ſ. 6.

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1 W & M. c 23. *Briſtol, Minehead, Barnſtaple, Bidiford,* and *Exeter* *.

Admiralty to appoint cruizers, &c. to cruize from the North Foreland to the Iſle of Wight. 7 & 8 Wm. 3. c. 28. ſ. 14.

Admiralty to appoint two ſhips and four armed Sloops to cruize from the North Foreland to the Iſle of Wight, to ſeize ſhips exporting wool, or carrying prohibited goods, or ſuſpected perſons.

9 & 10 Wm. 3. c. 40. ſ. 2.

No fuller's earth or ſcouring clay, to be exported, on penalty of one ſhilling per lb.

No wool, &c. to be imported from Ireland but to Great Britain, under penalty of forfeiture, &c. Sect. 3.

No wool, wool-fells, ſhortlings, worſted, bay or woollen yarn, cloth, ſerge, bays, kerſeys, ſays, prizes, druggets, cloth ſerges, ſhalloons, or any other drapery, ſtuff, or woollen manufactures, &c. to be exported from Ireland to any place but England, on forfeiture of the wool, &c. and 500l. for every offence, as likewiſe the ſhip, &c.; and the maſter and mariners, or any porters, carriers, waggoners, boatmen, or other perſons whatſoever, knowing ſuch offence and aiding and aſſiſting therein, ſhall forfeit 40l.

10 & 11 Wm. 3. c 10. ſ. 3.

No acquittal, indictment, &c. in Ireland, allowed in bar of any proſecution in England.

Any perſon may ſeize wool loaded to be exported unlawfully. Sect 4.

Any perſon may ſeize ſuch wool, &c. whether loaded on board any ſhip, barge, &c. or on ſhore upon any horſe, cart, or other carriage, with intent to be exported to foreign parts, and may likewiſe ſeize the ſhip or barge, and ſhall be indemnified for ſo doing.

Sect. 7.

Cockets for ſhips carrying wool from Ireland, to be written on paper, and ſigned by three of the chief officers of the reſpective port.

* Continued by 7 and 8 Wm. 3. c. 28. ſ. 5. 10 and 11 Wm. 3. c. 10. ſ. 10. 4 Ann. c. 7. 12 Geo. 2. c. 21. ſ. 5. 25 Geo 2. c. 14. ſ. 19. 26 Geo. 2. c. 8. and by 26 Geo. 2. c. 11. from any port in Ireland to any Britiſh port.

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Offences may be tried where the wool is put on board, or where the offender is apprehended — 10 & 11 Wm. 3. c. 10. ſ. 12.

Perſons ſued for executing this act may file common bail, and plead the general iſſue, and prevailing, ſhall have treble coſts. — Sect. 13.

Woollen manufactures may be imported from Ireland to England, notice being given to the commiſſioners of the cuſtoms, and the cuſtomer or collector of the port of importation, and bond given for the landing, and licenſe obtained. — Sect. 14.

Admiralty to appoint two ſhips of the fifth rate, and two of the ſixth rate, and eight armed ſloops, to cruize between England and Ireland, and to ſeize ſhips exporting wool, &c.; Admiralty to ſend a liſt of ſuch cruizers to the cuſtom-houſe. — Sect. 16.

All wool and ſhips ſo ſeized are forfeited, and to be kept in the king's warehouſe till condemnation, and then publicly ſold by inch of candle, and divided, one-fourth to the king and the reſt to the captors. — Sect. 17.

Commanders of ſuch cruizers neglecting their duty, or compounding offences, to loſe all their wages, and ſuffer ſix months impriſonment, and be incapable of ſerving the king. — Sect. 18.

No wool, &c. of the produce of the Engliſh Plantations in America, ſhall be exported from the ſaid plantations to any other place whatſoever under the like penalties. — Sect. 19.

Wool found in ſhips of 50 tons, hovering on the coaſts of Ireland, forfeited, together with the ſhip. — 6 Geo. 1. c. 21. ſ. 62.

Commiſſioners of exciſe in Ireland to determine offences relating to wool. — Sect. 64.

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6 Geo. 1. c. 21. f. 65. None to claim property in ſeizures in Ireland, till they have given ſecurity to anſwer penalties.

5 Geo. 2. c. 21. f. 1. Admiralty to appoint three ſhips of the ſixth rate, and eight armed ſloops, to cruize on the coaſts of Great Britain and Ireland, to ſeize ſhips exporting woollen manufactures from Ireland; liſt of the ſhips and ſloops to be ſent to the commiſſioners of the cuſtoms in Great Britain and Ireland.

Sect. 2. Commanders of ſuch ſhips and ſloops may ſearch veſſels, and finding prohibited goods, carry them into port.

Sect. 3. The veſſels and goods forfeited, and after condemnation to be ſold on 21 days notice; informers indemnified, and to have 1-fifth of the produce, the reſidue to be divided, 3-fourths to the captors and 1-fourth to the king.

Sect. 5. Perſons claiming properties in ſeizures to give ſecurity to anſwer the penalties.

Sect. 7. Penalties of former acts not annulled.

2 Geo. 2. c. 21. f. 6. Wool to be exported from Ireland in veſſels only of the built of Great Britain or Ireland, wholly owned and manned by ſubjects of this kingdom or Ireland, and regiſtered, under forfeiture of veſſels and goods.

The owners of ſuch ſhips to make oath, or if quakers, affirmation to the following purpoſe:

"I ——— do make oath (or ſolemnly affirm) that the ſhip ——, of ———, whereof ——— is at preſent maſter, ——— being ——— built, of ——— tons, was built at ——, in the year ——, and that —— of ——, and —— of ——, are at preſent owners thereof, and that no foreigner,

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" directly or indirectly, hath any ſhare, part, 12 Geo. 2. c. 21.
" or intereſt therein."

A certificate of which, atteſted by the col- Sect. 7.
lector and comptroller, under their hands and ſeals, and after being regiſtered by them to be delivered to the maſter of the ſhip, and a duplicate of the regiſter to be tranſmitted to the commiſſioners of the cuſtoms in London, in order to be entered in the general Regiſter.

No ſhip's name regiſtered ſhall be afterwards Sect. 8.
changed, without regiſtering ſuch ſhip again under the ſame penalties; alteration of property to be indorſed on the certificate of the regiſter before two witneſſes.

The like penalties and forfeitures on export- Sect. 9.
ing wool ſlightly manufactured, ſo as the ſame may be reduced and made uſe of as wool again, or matraſſes or beds ſtuffed with combed wool, or wool fit for combing.

No wool to be packed in any cheſt, barrel, Sect. 10.
caſt, nor any other but *pack cloth*, and ſuch package to be ſtamped or marked *Wool* or *Yarn*, in large letters, not leſs than three inches in length, under forfeiture of wool, &c. and package, and three ſhillings for every pound weight, to be paid by the owner or packer.

No wool, &c. to be exported, unleſs notice Sect. 11, 12, 13.
firſt given to the cuſtomer or collector, and comptroller of the port from which the ſame is intended to be ſent, of the quantity, quality, and package, with the marks and numbers, and maſter's and ſhip's name, and name of the owner of the goods, his place of abode, to what port the ſame are to be tranſported, and to whom conſigned, and a bond given, with ſufficient ſecurities, in treble the value of the goods, that

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22 Geo 2. c. 21. the same shall be landed accordingly (due notice of which shall be sent to the collector of the port they are destined for); and unless a license be also first taken under the hands of the customer, &c. for the landing and carrying thereof, which license to be given without fee or reward. Bond not to be discharged, but upon producing a certificate from the customer or collector, and comptroller of the port where such goods were landed, specifying the goods, marks, numbers, ship, and master, and that they were landed. Any bill remaining undischarged by such certificate, after six months, shall be transmitted to the commissioners of the customs in Great Britain, or the commissioners of the revenue in Ireland, who are to put them in suit immediately. Wool exported without such license, bond, &c. to be forfeited, together with the ship, &c.

Sect. 14. None but officers to enter informations for seizures, nor prosecute for penalties.

Sect. 15. Power of king's guardships not taken away.

Sect. 16. Two hundred pounds penalty, and incapacity on an officer making a seizure collusively, and forfeiture of treble the value on the owner. The whole penalty to go to the informer.

Sect. 17. Discovering the offence within 3 months so as to convict an accomplice, discharges him.

Sect. 18. Suits or informations to be prosecuted in *Westminster*, or in the exchequer in *Scotland* or at quarter-sessions, or before two justices summarily, or by any law of revenue in *Ireland*, and the *onus probandi* to lie on the claimer.

Sect. 20. Wool or woollen goods, condemned, to be sold by auction.

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Officers making ſeizures on information, the informer to have half. 12 Geo. 2. c. 21. ſ. 21.

Maſters, mates, or mariners, employed in clandeſtine exporting of wool, making diſcovery thereof in ſix months after ſuch exportation, ſhall not only be indemnified for ſo doing, but ſhall be acquitted of all penalties, forfeitures, &c. and have three-fourths of the penalties recovered by ſuch diſcovery. Sect. 23.

Perſons having appointments under the hands and ſeals of the commiſſioners of cuſtoms, exciſe, or ſalt, in Great Britain or Ireland, deemed officers for executing acts againſt tranſportation of wool. Sect. 24.

Three hundred pounds penalty for offering to bribe an officer to connivance, to be paid to the informer. Sect. 25.

Perſons, oppoſing officers in their duty, to be tranſported for ſeven years. Sect. 26.

Exporters of wool, or their abettors, not paying penalties in three months after judgment, to be tranſported. Sect. 27.

Five hundred pounds penalty on inſuring, or procuring wool to be landed abroad. Sect. 28.

The like penalty on the inſured. Sect. 30.

Perſons firſt diſcovering indemnified, and to recover the penalty. Sect. 31.

And the inſurance void. Sect. 33.

Wool and woollen yarn, &c. may be exported from any port of Ireland into any port of Great Britain. 26 Geo. 2. c. 11.



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# Wrecks.

IN ancient times, under the feudal ſyſtem, this head of Marine Law occupied no ſmall ſpace of comparative intereſt in the ſtatute books, and various queſtions occurred to determine what ſhould or ſhould not be deemed wreck of the ſea. In thoſe times when navigation was but as it were in its cradle, inſtances of wrecks were much more frequent than at this period. In ſome caſes they belonged to the king; but they were generally granted as appendages belonging to the fee, and conſtituted, not unfrequently, no ſmall proportion of the emoluments belonging to the baron or lord paramount of the domain where they happened.

## Abstract *of Acts of Parliament relative to Wrecks.*

3 Ed. 1. c. 4. What ſhall be adjudged wreck.

It ſhall not be adjudged wreck, if any thing eſcapes alive, but the goods ſhall be kept for the owner, if he ſues within the year and day, on pain of fine, impriſonment, and yielding damages.

4 Ed. 1. ſt. 2. ſ. 2.

Perſons laying hands upon a wreck to be attached by pledges, and the price of the wreck to be valued, and delivered to the towns.

17 Ed. 2. ſt. 1. c. 11.

Wreck belongs to the king, except in privileged places.

Merchants robbed ſhall have their property reſtored. 27 Ed. 3. ſt. 2. c. 13.

Merchants robbed of their goods at ſea, and ſuch goods coming to any port within the realm, they ſhall be delivered them on their proving ſuch goods to be really their property; or any ſhip loſt on a ſand bank, and the goods coming on ſhore, they ſhall be delivered to the owners,

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on their proving the goods to be theirs, and paying the perſons who have ſaved and kept the ſame, what the ſheriffs or bailiffs think proper. 27 Ed 3, ſt. 2, c. 13.

The articles of war and the authority of officers, remain in force over the crews of ſhips wrecked and loſt. If upon enquiry by a court martial into the loſs of a ſhip, the officers and ſeamen appear to have behaved well, their pay continues. 22 Geo. 2. c. 33. ſ. 21.

The ſame when a ſhip is taken by the enemy. Sect. 22.

Perſons convicted of plundering ſhipwrecked goods, or obſtructing people's eſcape from a wreck, or putting out falſe lights, ſhall ſuffer death. 26 Geo. 2. c. 19. ſ. 1.

This act not to extend to Scotland. 26 Geo. 2. c. 19. ſ. 18.

Stealing ſtranded goods of ſmall value, *petit larceny*. Sect. 2.

Juſtices, on information that ſhipwrecked goods are ſtolen, to iſſue ſearch warrants, and the perſons on whom they are found, not giving a good account of them, to be committed for ſix months, or till payment of treble the value. Juſtices to iſſue ſearch warrants for ſtolen goods, &c. Sect. 3.

Goods offered to ſale, ſuſpected to be ſhipwrecked, to be ſtopped, and notice given to a juſtice; and the ſeller, not proving his property, to be committed for ſix months, or till payment of treble the value, and the goods to be returned to the owner. Shipwrecked goods offered for ſale to be ſtopped. Sect. 4.

Perſons ſaving any ſhip or goods, and giving notice to a juſtice, &c. or diſcovering goods, ſhall be rewarded by the owners. Sect. 5.

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26 Geo. 2. c. 19. s. 13. To prevent confuſion among the perſons aſſembled to ſave ſhipwrecked goods.

*To prevent confuſion among perſons aſſembled to ſave any ſhip or goods, for want of proper orders, or contradictory orders,* all perſons ſo aſſembled ſhall conform in the firſt place to the orders of the maſter or other officers, or owners, or perſons employed by them; and ſhould they not be preſent, then the perſons authoriſed by this act are to give orders, and in like manner, in the following ſubordination as any of the ſaid perſons ſhall happen to be preſent, firſt the officers of the cuſtoms, then the officers of the exciſe, the ſheriff or his deputy, juſtice of peace, mayor, or chief magiſtrate of any corporation, coroner, commiſſioners of the land-tax, chief conſtable, petty conſtable, or other peace officer; and any perſon acting wilfully contrary to ſuch orders, ſhall forfeit any ſum not exceeding 5l. and in caſe of non-payment, committed to the houſe of correction for any time not exceeding three months.

[For other particulars ſee STRANDED SHIPS, &c.]

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## Wet Docks—Port of London.

THE following is the ſubſtance of ſo much of the act for rendering more commodious, and for better regulating the Port of London by a navigable canal, to be cut acroſs the Iſle of Dogs, as the limits preſcribed in this work will permit to be given.

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The preamble ſtates that conſiderable diſadvantages to the trade and port of London ariſe from the circuitous courſe of the river Thames round the Iſle of Dogs; and the firſt enactment empowers the mayor, aldermen, and commons of the city of London to make a navigable canal acroſs the *Iſle of Dogs*, with proper cuts, flood-gates, and other works adjoining thereto, to communicate with the river *Thames* at *Blackwall*, and alſo at *Limehouſe-hole*, ſo as to open a navigable courſe, for ſhips and other veſſels acroſs the Iſle of Dogs:

And to build two or more piers within the tide-way of the river *Thames* at *Blackwall*, and two or more piers at *Limehouſe-hole*, to facilitate the entrances into the canal:

And to ſupply the canal with water from the *Thames*, and, for that purpoſe, to make loughs, aqueducts, &c. and to cleanſe water-courſes, and raiſe the banks thereof, and to build bridges, flood-gates, toll-houſes, &c. &c.

The canal to be under the protection of the Lord Mayor, as conſervator of the river Thames, as if actually part of the river.

For twenty-one years from the time when the docks ſhall be ready, all Weſt-India produce is to be landed within the docks and the king's duties there aſcertained; otherwiſe ſuch produce to be ſeized and forfeited.

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Outward-bound West-India ships, for twenty-one years after the docks are ready, are to load in the docks, or in the river below the entrance into the canal at *Blackwall*, all their respective cargoes, under penalty of 500l. for every offence.

## TABLE OF RATES

*Appointed to be paid to his Majesty for Vessels using the Port of London.*

| | Class. | Per Ton. |
|---|---|---|
| | | *d.* |
| Ships trading coastwise between *London* and any port in *Great Britain*, the *Orkneys*, *Shetland* or *Western Isles*, for every voyage *in* and *out*, | 1st | 1 |
| Ships entering inwards, or arriving in the port of *London* from *Denmark*, *Norway* or *Lapland*, *Holstein*, *Hamburgh*, *Bremen*, or any other part of *Germany*, bordering on the *Germanic* Ocean; *Holland* or *United Provinces*, *Brabant*, *Antwerp*, *Flanders*, *Guernsey*, *Jersey*, *Alderney*, *Sark*, *Ireland*, or the *Isle of Man*; and for every ship clearing out for any of the above countries, | 2d | 1½ |
| Ships entering inwards or outwards from or to *Lapland* (beyond the *North Cape*), *Finland*, *Russia* (without or within the *Baltic*), *Livonia*, *Courland*, *Poland*, *Prussia*, *Sweden*, &c. within the *Baltic*, | 3d | 2 |
| Ships entering inwards or outwards from or to *France* (between *Ushant* and *Spain*), *Portugal*, *Spain* (without the *Mediterranean*), the *Azores*, *Madeira* or *Canary Islands*, United States of *America*, or *British* Colonies in *North America* or *Canada*; and for every ship clearing out for either of the above countries, | 4th | 2½ |
| Ships entering inwards or outwards from or to *Greenland*, *Gibraltar*, *France*, or *Spain*, (within the *Mediterranean* or *Adriatic* Sea), or from the *West Indies*, *Louisiana*, *Mexico*, *South America*, *Africa*, *East Indies*, *China*, or elsewhere within the *Pacific* Ocean, or to the Southward of 25 degrees of North Latitude, | 5th | 3½ |

The above rates to be paid upon entry inwards or clearance outwards at the Custom-House in London; or for want of such clearance, before the said vessels shall depart from the said port.

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## RATES FOR PASSING THE CANAL.

| | s. | d. | |
|---|---|---|---|
| Veſſels of two hundred tons | 0 | 2 | *per* ton. |
| Veſſels of one hundred and under two hundred tons, | 0 | 1½ | *per* ton. |
| Veſſels carrying ſail, if fifty and under one hundred tons, | 10 | 0 | |
| Ditto, if twenty and under fifty tons, | 5 | 0 | |
| Lighters, barges, boats, &c. | 1 | 0 | |

## RATES FOR USING THE DOCKS.

Six ſhillings and eight pence *per* ton, according to burthen, and the following additional rates upon the under-mentioned articles:

| | s. | d. | |
|---|---|---|---|
| Aloes, balſam, caſſia, cortex, winteranus turmeric, gum guaiacum, | 4 | 8 | *per* cwt. |
| Cocoa, coffee, | 1 | 6 | *per* cwt. |
| Cotton, wool, indigo, | 2 | 6 | *per* cwt. |
| Tortoiſe-ſhell, | 5 | 0 | *per* cwt. |
| Ginger, | 3 | 3 | *per* cwt. |
| Pimento, | 3 | 2 | *per* cwt. |
| Sarſaparilla, | 6 | 0 | *per* cwt. |
| Succads, (in boxes), | 5 | 0 | *per* cwt. |
| Sugar, | 0 | 8 | *per* cwt. |
| Dyer's woods | 0 | 6 | *per* cwt. |
| Hides, | 0 | 6 | *per* doz. |
| Marmalade, caſtor oil, tamarinds or ſuccads in jars, | 0 | 6 | *per* jar. |
| Rum, wine, including madeira, | 0 | 1 | *per* gall. |

MERCHANDIZES NOT OTHERWISE SPECIFIED.

| | | | |
|---|---|---|---|
| Caſks, caſes, bundles, bales, &c. 200 and upwards, | 5 | 0 | *per* 100 |
| Ditto, under 200, | 2 | 6 | *per* 100 |
| Articles of merchandize brought looſe, except wood, | 2 | 0 | *per* 100 |

Other articles of merchandize brought looſe, and not hereinbefore ſpecified, ſhall be charged with a rate not exceeding the rate heretofore uſually charged for lighterage, landing, loading, or houſing any ſuch article.

The above rates to be taken for the uſe of the docks, quays, wharfs, cranes, land-waiter's fees, wharfage, landing, houſing, weighing, cooperage, rent for warehouſe-room, &c. for twelve weeks in the company's warehouſes, and charges of delivering.

*Exemptions from the above Rates and Duties.*

His Majeſty's ſhips of war, and all ſhips belonging to his Majeſty.



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Ships coming or going coaſtwiſe from the port of London, from or to any part of Great Britain, if under forty-five tons regiſter tonnage.

Veſſels bringing corn coaſtwiſe, the principal part of the cargo conſiſting of corn.

Fiſhing ſmacks, lobſter and oyſter boats, veſſels for paſſengers and all veſſels or craft navigating the river Thames above and below London bridge as far as Graveſend only.

*Exemptions from the Dock Rates.*

Lighters or other craft entering the docks, baſons, or cuts, to deliver or receive ballaſt or goods to or from any ſhips or veſſels.

Collectors of the cuſtoms not to permit any ſhip to be entered inwards, unleſs the tonnage duties ſhall have been previouſly paid.

Mayor and Aldermen may lower the rates for paſſing the canal and raiſe them again, but not to be higher than ſtated in the Table.

Directors may lower the dock-rates and raiſe them, but not to be higher than expreſſed in the Table.

Free liberty for horſes, cattle, or carriages to uſe the roads and ways belonging to the ſaid works; and ſhips, lighters, barges, boats, &c. to uſe the ſaid canal for the purpoſe of conveying corn, coals, timber, &c. ſubject to the rules and regulations made by the mayor, aldermen, and commons.

The canal and dock company's works to be executed as ſoon as poſſible, and a ſtatement of the progreſs thereof to be laid annually before parliament and the lords of the treaſury.

Nothing in this act to affect the rights or privileges of the Trinity-Houſe of *Deptford Strond.*

The lord mayor, as conſervator of the river, to puniſh offences committed againſt this act.

THE END.

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